

Agriculture, Conservation and Forestry

PUBLIC 522 **An Act To Extend the Dairy Stabilization Subsidy Through** **LD 1852**
EMERGENCY **May 31, 2004**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL BRYANT	OTP	

Public Law 2003, chapter 522 extends dairy stabilization payments for milk produced between January 1, 2004 and May 31, 2004 and caps the total amount to be distributed for this period at \$2,100,000. During the First Session of the 121st Legislature, Public Law 2003, chapter 120 established provisions for distributing payments to Maine's dairy farmers for any month from September through December of 2004 in which the base price of milk fell below \$16.94 per hundredweight. Chapter 120 provided for payments based on 55% of the difference between the target price of \$16.94 and the base price. Chapter 522 retains the target price of \$16.94 but provides for payments to be calculated based on 40% of the difference in target price and base price.

Public Law 2003, chapter 522 was enacted as an emergency measure effective February 20, 2004.

PUBLIC 536 **An Act To Amend the Laws Regarding Humane Agents and Kennel** **LD 1742**
Licenses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-680

Public Law 2003, chapter 536 clarifies that all humane agents are required to complete training in the handling of small and large animals and a minimum of 40 hours of training annually. It removes the use of the term "pack or collection" in the definition of "kennel" and under the kennel licensing provisions. Instead the term "5 or more dogs" is used. Kennel licensing provisions apply to a person who keeps 5 or more dogs for breeding, hunting, show, training, field trials or exhibition purposes.

PUBLIC 549 **An Act To Ensure Fair Payment for Timber Harvesting Jobs on** **LD 1782**
Land Managed by the Department of Conservation, Bureau of
Parks and Lands

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON STANLEY	OTP-AM	H-714

Public Law 2003, chapter 549 requires a contract to harvest timber on the public reserved and nonreserved lands to include a provision requiring that timber harvesters be paid a wage or piece rate not less than the prevailing wage or rate established by the Department of Labor and equipment allowances equal to or greater than the allowances established by the Department of Labor. If a prevailing wage or piece rate is not

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established by the Department of Labor for a specific harvesting occupation or an equipment allowance is not established by the Department of Labor for a specific type of equipment, the Director of the Bureau of Parks and Lands is authorized to establish wages or piece rates and allowances to apply on the reserved and nonreserved lands.

PUBLIC 550 An Act To Improve the Property Boundary Marking Laws for LD 1693 Purposes of Timber Harvesting

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MCKEE	OTP-AM	S-385 S-393 BRYANT

Public Law 2003, chapter 550 requires a landowner authorizing a harvest or the person conducting a harvest near a property boundary line to clearly mark any established property boundary line within 200 feet of the area to be harvested. It prohibits the harvesting of trees growing on a property boundary line unless prior approval is obtained from owners of the abutting property. Exemptions are provided for tree cutting performed by the Department of Transportation, public utilities or municipal employees or agents and for harvests on a parcel of land that is 5 acres or less.

PUBLIC 578 An Act To Implement the Recommendations of the Joint Standing LD 1902 Committee on Agriculture, Conservation and Forestry Relating to the Review of Agencies under the State Government Evaluation Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law 2003, chapter 578 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry upon completion of review of agencies submitting Government Evaluation Reports to the 121st Legislature. Chapter 578 establishes future report dates for agencies reviewed by the committee this session and deletes a reference to the recently abolished State Soil and Water Conservation Commission. It also does the following:

1. It removes employees of the Department of Agriculture, Food and Rural Resources from the Pull Events Commission and provides for the agricultural fair coordinator within the department to serve as secretary to the commission.
2. It establishes a separate dedicated account to receive seed certification and inspection fees and other funds received in support of a state seed certification and inspection program.
3. It allows loans from the Agricultural Marketing Loan Fund to be used to improve pastureland.

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4. It directs the Baxter State Park Authority to report in 2006 to the joint standing committee of the Legislature having jurisdiction over parks and public lands on the implementation of the rolling reservation system for Baxter State Park.

PUBLIC 642 An Act To Regulate the Breeding and Sale of Small Mammals LD 1952

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-851 MCKEE

Public Law 2003, chapter 642 is the report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It directs the Commissioner of Agriculture, Food and Rural Resources to adopt rules concerning the breeding and sale of small mammals, including guinea pigs, hamsters and rabbits, to apply to breeders and sellers who are not currently required to be licensed or otherwise regulated by the department.

PUBLIC 648 An Act To Encourage the Future of Maine's Dairy Industry LD 1945
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI BRYANT	OTP-AM	H-883

Public Law 2003, chapter 648 establishes 2 programs to stabilize the prices paid to dairy farmers for their milk. Under the tiered program a target price is established for each of three levels of production to reflect short-run break-even points within each tier. Payments are distributed for each month in which the base price was less than the target price. The second payment program, the Maine Milk Income Loss Contract, provides for payments to Maine dairy farmers whose annual production exceeds the cap under the federal Milk Income Loss Contract. These farmers are eligible to receive a payment for production over the federal cap until annual production reaches 5,000,000 pounds.

Chapter 648 directs the Department of Agriculture, Food and Rural Resources to develop a course of action for implementing other recommendations of the Governor's Task Force on the Sustainability of the Dairy Industry in Maine presented in the task force's report dated November 18, 2003. It also requires the joint standing committee of the Legislature having jurisdiction over agricultural matters to review the price support provisions enacted by chapter 648 and authorizes the committee to report out a bill to implement the committee's recommendations regarding each program. The bills are authorized for submission to the First Regular Session of the 123rd Legislature.

Public Law 2003, chapter 648 was enacted as an emergency measure effective April 16, 2004.

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PUBLIC 694 An Act Regarding Penalties Assessed by the Bureau of Forestry LD 1965

Sponsor(s)

Committee Report

Amendments Adopted

Public Law 2003, chapter 694 enacts a civil penalty for a violation of rules adopted to substantially eliminate liquidation harvesting. A person who violates the rule is subject to fines that may be increased for a second violation within a 5-year period. Alternatively, maximum fines may be increased to reflect the economic benefit realized from the violation.

RESOLVE 102 Resolve, To Clarify State Ownership of Land in the Town of Naples LD 1644

Sponsor(s)
BRUNO

Committee Report
OTP

Amendments Adopted

Resolves 2003, chapter 102 directs the Director of the Bureau of Parks and Lands within the Department of Conservation to clarify ownership of the land in the vicinity of a parcel known as "Third Beach" adjacent to Sebago Lake State Park in the Town of Naples.

**RESOLVE 110 Resolve, Directing the Department of Conservation To Implement a LD 1253
Pilot Project To Evaluate Outdoor Playground Surface Materials**

Sponsor(s)
TRAHAN
HALL

Committee Report
OTP-AM

Amendments Adopted
H-693

Resolves 2003, chapter 110 directs the Director of the Bureau of Parks and Lands within the Department of Conservation to develop and implement a pilot project for evaluating the use of waste tire material as a playground surfacing material.

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RESOLVE 129 Resolve, Authorizing the Transfer of a Parcel of Land on Peaks LD 1719 Island to the Peaks Island Land Preserve

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN DUDLEY	OTP-AM	S-455

Resolve 2003, chapter 129 authorizes the Commissioner of Inland Fisheries and Wildlife to transfer land on Peaks Island designated as a state-owned wildlife management area to the Peaks Island Land Preserve. It requires that the deed conveying the property contain provisions ensuring appropriate conservation of the property.

RESOLVE 137 Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands LD 1942

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT HATCH PR	OTP-AM	S-508

Resolve 2003, chapter 137 authorizes the Director of the Bureau of Parks and Lands within the Department of Conservation to convey property at 5 locations. The transfers authorized include; 1.5 miles of road to the Town of Winterville in Aroostook County, lots on First Roach Pond in Piscataquis County to the First Roach Pond Leaseholders Coalition or individual members of the coalition, 25 acres in Lynchtown Township in Oxford County to the Bosebuck Mountain Club, Inc., a 45 acre parcel of land in Little Moose Township to the Town of Greenville, and a lot in Corinna to the Town of Corinna. Any proceeds from the sale of land must be used to purchase additional land in the same county.

RESOLVE 141 Resolve, To Clarify Title to Land Related to the Waldo-Hancock LD 1947 Bridge Replacement

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARLEY HATCH PH	OTP	

Resolve 2003, chapter 141 authorizes the transfer of management responsibility for a small portion of Fort Knox State Historic Site by the Director of the Bureau of Parks and Lands within the Department of Conservation to the Department of Transportation for the purpose of constructing and maintaining a portion of the Waldo-Hancock Bridge replacement. It also confirms that portions of State Route 174 and U.S. Route 1 that cross Fort Knox State Park were constructed, and are occupied and maintained for highway purposes. The area subject to this transfer of management responsibility is approximately 5 acres, approximately 4.75 acres of which is currently occupied by State Route 174 and U.S. Route 1. No funds will be exchanged in connection with this transfer.

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RESOLVE 144 Resolve, Regarding Legislative Review of Chapter 23: Standards LD 1962
for Timber Harvesting To Substantially Eliminate Liquidation
Harvesting, a Major Substantive Rule of the Department of
Conservation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-966
	OTP-AM MIN	

Resolve 2003, chapter 144 authorizes final adoption of Chapter 23 Standards for Timber Harvesting to Substantially Eliminate Liquidation Harvesting. Final adoption of the provisionally adopted rule is authorized providing revisions proposed by the Maine Forest Service and dated April 27, 2004 are made as well as additional changes specified in the Resolve. The Resolve requires that 2 exemptions in the rule be based on timberland acreage rather than total land ownership acreage or total parcel size. The Resolve requires the Commissioner of Conservation to make available to the public a document that allows comparison of the rule provisionally adopted on April 14, 2004 and the rule authorized and finally adopted.

Appropriations and Financial Affairs

PUBLIC 513 An Act To Make Supplemental Appropriations and Allocations LD 1828
for the Expenditures of State Government and To Change
Certain Provisions of the Law Necessary for the Proper
Operations of State Government for the Fiscal Years Ending
June 30, 2004 and June 30, 2005

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM MAJ	H-642
CATHCART	OTP-AM MIN	H-658 BRANNIGAN
		H-661 BRANNIGAN
		S-371 CATHCART

Public Law 2003, chapter 513 does the following, summarized below by part and section.

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	Makes appropriations and allocations of funds.
B	B-1	Transfers \$28,885,017 in fiscal year 2003-04 from the Federal Fiscal Relief Funds Reserve account to the unappropriated surplus of the General Fund no later than June 30, 2004.
C	C-1	Extends the Dairy Stabilization Subsidy Program.
	C-2	Lapses \$290,064 in the Pollution Control Structures - Carrying Account to the General Fund no later than June 30, 2004.
	C-3	Transfers \$103,566 from the Maine Milk Pool, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2004.
D	D-1	Lapses \$207,187 in the Division of Forest Protection, General Fund account in the Department of Conservation to the unappropriated surplus of the General Fund no later than June 30, 2004.
E	E-1	Establishes a limitation on reimbursement rates to medical service providers for services outside a Department of Corrections facility.
F	F-1	Lapses \$1,365,855 in the General Purpose Aid for Local Schools, General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.
G	G-1:G-3	Authorizes the Department of Human Services to adopt routine technical rules for the elderly low-cost drug program to maximize state savings from coordinating benefits with those provided under the federal Medicare Prescription Drug Improvement and Modernization Act of 2003.
H	H-1	Establishes a .74% tax on the net operating revenue of each hospital in the state.

Appropriations and Financial Affairs

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	H-2	Adjusts appropriations and allocations to implement the hospital tax in fiscal year 2003-04 and restores funding for hospital rate reductions, pharmacy dispensing fees and revisions to the low-cost drugs for the elderly program that were to be reduced by rulemaking.
I	I-1	Increases by \$761,910 the amount of intergovernmental transfer funds that must be transferred from the City of Portland to the General Fund as undedicated revenue for fiscal year 2003-04.
	I-2	Authorizes the State Controller to accept fiscal year 2002-03 balances of \$569,000 returned by health care providers as General Fund unappropriated surplus in fiscal year 2003-04.
	I-3	Authorizes the State Controller to accept \$5,800,488 as General Fund unappropriated surplus balances in fiscal year 2003-04 representing the repayment of disproportionate share hospital payments in federal fiscal year 2001-02 from institutes for mental disease.
	I-4	Transfers \$3,691,639 from the Child Support Collections, Other Special Revenue Funds account in the Department of Human Services to the unappropriated surplus of the General Fund no later than June 30, 2004.
J	J-1	Authorizes the State Controller to transfer up to \$26,202,734 from the Profit and Loss Account of the General Fund to the General Fund TANF Reserve Account no later than June 30, 2004.
	J-2	Authorizes the State Controller to transfer \$6,929,748 from the General Fund TANF Reserve Account to the unappropriated surplus of the General Fund no later than June 30, 2004.
	J-3	Authorizes the State Controller to transfer \$19,272,986 from the General Fund TANF Reserve Account to the TANF Federal Block Grant Account no later than June 30, 2004.
	J-4	Authorizes the State Controller to transfer \$7,203,139 from the General Fund TANF Account to the General Fund TANF Reserve Account no later than June 30, 2004.
K	K-1	Transfers \$161,137 in fiscal year 2003-04 and \$121,118 in fiscal year 2004-05 from the State Fire Marshal's Office, Other Special Revenue Funds account to the unappropriated surplus of the General Fund no later than June 30, 2004 and June 30, 2005, respectively.
L	L-1	Lapses \$11,053 in the Bureau of Public Transportation, General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.
M	M-1	Directs the State Budget Officer to identify the General Fund savings related to the Department of Human Services/Department of Behavioral and Developmental Services merger and transfer those amounts by Financial Order.

Appropriations and Financial Affairs

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	M-2	Authorizes available balances of appropriations in MaineCare General Fund accounts in fiscal years 2003-04 and 2004-05 be transferred between accounts by financial order upon the recommendation of the State Budget Officer and approval of the Governor.
	M-3	Authorizes transfers of appropriation and allocation balances in the Department of Human Services and the Department of Behavioral and Developmental Services between line categories and accounts to implement merger of the 2 departments.
N	N-1:N-4	Increases fees for a special marine resources license, the filing fee is increased from \$50 to \$100 and annual renewal fee is increased from \$25 to \$50; changes the fees for having multiple individuals on the special license: and establishes a civil violation for license violations. (See LD 1701.)
O	O-1	Authorizes the State Controller to transfer up to \$10,000,000 from the Retiree Health Insurance Fund to the unappropriated surplus of the General Fund no later than June 30, 2004. It also requires the State Controller to transfer \$10,000,000 plus interest from the General Fund to the Retiree Health Insurance Fund on or after July 1, 2005 as repayment.
P	P-1:P-3	Authorizes a prioritized series of transfers from the unappropriated surplus of the General Fund at the end of fiscal year 2003-04 to various programs within state government.
Q	Q-1	Amends the transfer of funds from the Occupational Safety Loan program account in the Finance Authority of Maine, authorized in PL 2003, c. 451, Pt. O, section 4, by increasing the transfer from \$401,209 to \$559,079, an increase of \$157,870 by June 30, 2004.
	Q-2	Authorizes the transfer of \$57,652 from the Occupational Safety Loan Fund, Other Special Revenue Funds account in the Department of Labor to the General Fund unappropriated surplus no later than June 30, 2004.
R	R-1	Deappropriates funds from the Department of Labor, Rehabilitation Services program.
S	S-1	Appropriates and allocates funds to the Department of Human Services and the Department of Behavioral and Developmental Services to support the cost of not adopting certain rules to limit MaineCare expenditures during fiscal year 2003-04; including changes affecting private nonmedical institutions, primary care case management fees for Rural Health Clinics (RHC) and Federally Qualified Health Centers (FQHC) hourly rates in the private duty nursing program, reimbursement reductions in the Mental Retardation Waiver program and other reimbursement reductions to certain MaineCare providers not affected by other rulemaking initiatives.
T	T-1	Lapses \$100,000 of the unencumbered balance forward in the Personal Services line category in the Legislative General Fund account to the unappropriated surplus of the General Fund in fiscal year 2003-04.

Appropriations and Financial Affairs

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
U	U-1	Appropriates and allocates funds for the Department of Human Services to make payments of outstanding settlements owed to hospitals under the MaineCare program in the current state fiscal year, 2003-04.
V	V-1	Authorizes the State Controller to transfer \$1,000,000 from the Department of Conservation, Shore and Harbor Management Fund account to the unappropriated surplus of the General Fund by June 30, 2004.
W	W-1	Authorizes the Department of Human Services to adopt routine technical rules to implement incentive payments within existing resources to pharmacies.
X	X-1	Authorizes the Treasurer of State to transfer \$547,000 from the Unclaimed Property Fund to General Fund undedicated revenue. It also authorizes the Treasurer of State to sell MetLife stock and shares of mutual funds that were not planned for sale during this biennium.
Y	Y-1	Establishes a mechanism to account for departmental indirect cost allocation plan amounts as an approved use of revenue from the Fund for a Healthy Maine.
	Y-2	Authorizes certain revenue transfers from departmental program accounts back to the Fund for a Healthy Maine in fiscal year 2002-03 to reflect the actual transfers that occurred. It also provides for the recognition of fiscal year 2001-02 expenditures that exceeded legislative authority.
	Y-3	Recognizes \$219,187 as an adjustment to the balance in the Fund for a Healthy Maine.
	Y-4	Provides an allocation from the Fund for a Healthy Maine in fiscal year 2003-04 to support a portion of the cost of not adopting rules to create 2 benefit levels in the low-cost drugs for the elderly program and not increasing the catastrophic cap to \$1,200 per benefit year.
Z	Z-1	Deappropriates Personal Services savings from Maine Revenue Services and the Salary Plan program in fiscal year 2003-04.
AA	AA-1	Deappropriates and deallocates funds from the Department of Human Services, Medical Care - Payments to Providers program.
BB	BB-1	Deallocates the \$75,000 of Highway Fund allocations to the Office of Program Evaluation and Government Accountability in fiscal year 2004-05.
CC	CC-1	Authorizes the Commissioner of Human Services to withhold a hospital's Medicaid payments, if that hospital is delinquent in paying the hospital tax established in Part H.
DD	DD-1	Deappropriates funds from several departments.

Appropriations and Financial Affairs

PUBLIC 673 An Act To Make Supplemental Appropriations and Allocations LD 1919
for the Expenditures of State Government and To Change
Certain Provisions of the Law Necessary to the Proper
Operations of State Government for the Fiscal Years Ending
June 30, 2004 and June 30, 2005

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN CATHCART	OTP-AM	H-904 H-932 BRANNIGAN H-935 BRANNIGAN H-937 BRANNIGAN H-958 BRANNIGAN H-964 BRANNIGAN H-965 BRANNIGAN S-518 YOUNGBLOOD S-543 CATHCART

Public Law 2003, chapter 673 does the following, summarized below by part and section.

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
A	A-1	Part A makes appropriations and allocations of funds for various purposes.
B	B-1	Part B makes appropriations and allocations for approved reclassifications and range changes.
C	C 1:4	Authorizes the Commissioner of the Department of Administrative and Financial Services to appoint an Associate Commissioner, Administrative Services as a major policy influencing position.
	C-5	Amends the provisions of PL 2003, c.20 to clarify the lease-purchase language for Central Fleet Management to be applicable for each year of the biennium.
	C 6:7	Authorizes the State Budget Officer to transfer savings resulting from the Retirement Incentive Program from General Fund and Other Special Revenue Fund accounts to the General Fund Salary Plan account and from Highway Fund accounts to the Highway Fund Salary Plan account.
	C-8	Authorizes the State Controller to recover, through the state cost allocation program, \$915,640 associated with prior year payments by the General Fund to the Maine State Retirement System.
	C-9	Authorizes the State Controller to recover, through the state cost allocation program, \$170,000 in fiscal year 2004-05 associated with homeland security grant programs awarded to the Department of Defense, Veterans and Emergency Management.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	C-10	Authorizes the Bureau of General Services to use \$111,856 no longer required for the Thomaston State Prison Demolition project, for the Hazardous Material Abatement and Removal and Demolition of the State Armory in Caribou.
D	D 1:9	Adopts pre-EGTRRA (Economic Growth and Tax Relief Reconciliation Act of 2001) federal law for the Maine estate tax for decedents dying after 2004. The bill does not address estates of decedents dying in 2010 when the federal estate tax is fully repealed (for that year only) along with the federal determination of the value of the estate, upon which Maine relies in its determination of the Maine estate tax.
E	E 1:3	Amends the minimum taxability threshold for nonresident taxpayers by reducing the number of days spent in Maine that triggers a nonresident income tax liability from 21 days to 11 days. The income threshold of \$6,000 is eliminated.
F	F 1:2	Disallows the use of Maine income tax credits against the Maine alternative minimum income tax for tax years beginning after 2003.
G	G 1:3	Establishes criteria to disqualify certain tax-motivated lease transactions from the high-technology investment tax credit beginning after 2003.
H	H-1	Lapses \$120,306 in the Pollution Control Structures General Fund account in the Department of Agriculture, Food and Rural Resources to the unappropriated surplus of the General Fund in fiscal year 2004-05.
	H-2	Appropriates \$36,000 in fiscal year 2004-05 to partially offset a statewide All Other deappropriation.
	H-3	Appropriates \$84,306 in fiscal year 2004-05 to establish one limited-period Nutrient Management Coordinator position to direct and further develop the Nutrient Management Program.
I	I 1:2	Amends the law to allow the Commissioner of the Department of Behavioral and Developmental Services to establish a retail store at the Riverview Psychiatric Center and establishes a non-lapsing dedicated account for store income and expenses.
J	J-1	Amends the law relating to the use of the Boating Facilities Fund in the Department of Conservation so that funds may be provided to state agencies.
	J-2	Transfers \$1,000,000 from the General Fund to the Shore and Harbor Management Fund to offset a transfer pursuant to PL 2003, c. 513, V-1.
	J-3	Authorizes the State Controller to transfer \$1,000,000 from the Boating Facilities Fund, Other Special Revenue Funds account in the Department of Conservation, to the unappropriated surplus of the General Fund by June 30, 2005.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	J-4	Authorizes the State Controller to transfer \$1,000,000 from the Shore and Harbor Management Fund, Other Special Revenue Fund account to the Boating Facilities Fund, Other Special Revenue Fund account in the Department of Conservation by June 30, 2005.
	J-5	Lapses \$,241 in the Division of Forest Fire Control, General Fund - carrying account in the Department of Conservation to the unappropriated surplus of the General Fund in fiscal year 2004-05.
K	K 1:5	Provides that savings in health insurance costs related to hospital rate adjustments do not apply to fiscal year 2004-05 and makes the necessary offsets to statewide appropriations and allocations.
L	L-1	Authorizes the Department of Corrections to enter into a lease-purchase arrangement for the acquisition of energy-savings equipment.
M	M 1:9	Amends the laws related to the Department of Economic and Community Development to reorganize certain activities and to establish the Office of Innovation in the Department of Economic and Community Development and reallocates statutory provisions related to the State's science and technology plan and comprehensive research and development evaluation to that office. Also reallocates resources within the Department as part of a departmental reorganization.
N	N-1	Amends the statewide local share amount of the operating costs allocation for fiscal year 2004-05 for purposes of education funding.
	N-2	Establishes the maximum debt service limits for school construction for 2008 and 2009.
	N-3	Clarifies the lease purchase language for the replacement of Carpenter buses authorized by Resolve 2003, Chapter 92, Part B.
	N 4:18	Specifies the General Purpose Aid for Local Schools actual education certification and appropriation levels for fiscal year 2004-05 as required by the Maine Revised Statutes, Title 20-A, section 15605.
	N-19	Clarifies that the amounts available for distribution through General Purpose Aid for Local Schools includes \$5,050,000 of funds carried forward from fiscal year 2003-04.
	N-20	Appropriates an additional \$9,950,000 in fiscal year 2004-05 for General Purpose Aid for Local Schools in fiscal year 2004-05.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
O	O-1	Authorizes encumbered balances for automating the Department of Inland Fisheries and Wildlife's licensing, registration and permitting processes that will lapse at the end of fiscal year 2003-04 to be transferred from the Carrying Balance account to the License and Registration account within the department to be used for the same purposes in fiscal year 2004-05.
P	P-1	Amends the law to authorize the Chief Justice to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.
	P-2	Authorizes the Chief Justice to use \$23,000 of current General Fund appropriations to cover a shortage in the Judicial Department bail account.
Q	Q 1:4	Repeals those provisions of law related to the Occupational Safety Loan Fund in the Department of Labor.
	Q-5	Amends the law to provide for transfers of payments of outstanding Occupational Safety Loan Fund loans from the Finance Authority of Maine to the Safety Education and Training Fund in the Department of Labor.
R	R-1	Increases the maximum borrowing capacity of the Maine Maritime Academy, from \$4,000,000 to \$10,000,000.
S	S 1:2	Moves the State Nuclear Safety Advisor position from the State Planning Office to the Office of the Public Advocate and makes related allocations.
T	T 1:2	Reenacts the Maine Computer Crimes Task Force retroactively to January 1, 2004.
U	U 1:2	Amends the law related to the Uniform Unclaimed Property Act to establish the definition of a store-value card and to mandate record keeping by sellers of store-value cards.
V	V 1:3,6	Authorizes the Department of Human Services and the Department of Behavioral and Developmental Services to establish separate categories of licensure for facilities providing private non-medical institutional services to MaineCare eligible individuals.
	V-4:V-5, V-7:V-24	Makes changes to the sales tax and municipal revenue sharing to account for the establishment of a "Service Provider Tax".
	V-25	Enacts a 5% tax, effective July 1, 2004, on the value of following services provided in this State: extended cable television services; fabrication services; video rentals; certain rentals of furniture and audio equipment; telecommunications services; installation, maintenance or repair of telecommunications equipment; and private non-medical institution services.
	V-26	Transfers \$105,000 between accounts to offset implementation costs associated with this Part.

Appropriations and Financial Affairs

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	V-27	Authorizes Department of Human Services to implement rules retroactively to July 1, 2003 to address the recovery of return on equity for private non-medical institutions.
	V-28	Adjusts appropriations and allocations as a result of the implementation of the service provider tax imposed by this Part.
	V-29	Establishes effective dates and the timing of returns and payments.
W	W-1	Authorizes the Department of Human Services to collect fees for researching its files for child protective records, and providing child protective records to licensing agencies, employers, and other non-governmental persons. The department will establish the fee schedule by routine technical rule.
X	X-1	Authorizes the Department of Human Services to increase the maximum license fee for certain eating and lodging facilities -- from \$40 to \$100 for schools; from \$10 to \$60 for inspections of eating establishment in municipalities authorized by the department to conduct such inspections; from \$125 to \$150 for other licensed eating establishments; and from \$20 to \$35 to cover the costs of each additional inspection.
	X-2	Requires the Department of Human Services to issue a conditional license to a new applicant that does not meet the regulations. The current language requires the department to issue a conditional license to all applicants, even those that are renewing.
	X-3	Authorizes the Department of Human Services to increase fines and penalties for operating without a license.
	X-4	Increases the fee from \$10 to \$60 for eating establishments in municipalities that do their own inspections.
	X-5	Makes a technical correction.
	X-6	Directs the Department of Human Services to review municipalities that do their own inspections of eating and lodging facilities.
Y	Y 1:2	Authorizes the Department of Human Services to adopt rules providing that infants in families with income over 185% and children under 19 years of age in families with income over 150% and up to 200% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program are eligible to participate in Cub Care instead of Medicaid.
	Y-3	Delays for 3 months the effective date of MaineCare eligibility expansions authorized by the Dirigo Health legislation, PL 2003, c. 469.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
Z	Z 1:5	Makes changes to the mandatory reporting requirements for abuse and neglect, consistent with changes recommended by the U.S. Department of Health and Human Services, Administration for Families and Children. It requires the Department of Human Services to collect and investigate all reports regarding infants born affected by substance abuse or after prenatal exposure to drugs, and to provide services to the child and family which address that set of circumstances.
AA	AA-1	Expands the time frame for an applicant to appeal a denial of a mass gathering permit.
	AA 2:3	Authorizes the department to require an application with a fee prior to reviewing and issuing a permit to any mass outdoor gathering, changes application and bonding procedures and increases fees.
BB	BB 1:2	Requires the State Controller to transfer monthly an amount equivalent to benefits certified under the Maine Residents Property Tax Program from General Fund undedicated revenue within the individual income tax category to the Circuit Breaker reserve. The State Tax Assessor is required to pay benefit amounts to approved applicants. No interest on payments may be allowed. Also eliminates funding to the Maine Residents Property Tax Program since it is being converted to an offset to the individual income tax line. In fiscal year 2004-05, the amount of the transfers is limited to the amounts that were appropriated in fiscal year 2004-05 for this program.
CC	CC 1:2	Requires that retail tobacco licenses be renewed annually, increases the fee and directs the revenue to the General Fund. Repeals language requiring the transfer of dedicated funds from the Department of Human Services to the Judicial Department.
DD	DD-1	Authorizes unencumbered balances of funds in the General Assistance program in the Department of Human Services to be carried forward each fiscal year to be used for the same purposes.
	DD-2	Amends the law to provide the Department of Human Services with access to information on real estate transfers for the purpose of determining financial eligibility for MaineCare services.
	DD-3	Authorizes the State Controller to accept fiscal year 2002-03 balances of \$177,232 returned by providers as General Fund unappropriated surplus in fiscal year 2004-05.
	DD-4	Authorizes the Department of Human Services to establish minimum record keeping requirements for agencies administering Temporary Assistance for Needy Families programs.
	DD-5	Specifies that \$1,100,000 of unencumbered balance forward in fiscal year 2003-04 in the State Supplement to Federal Supplemental Security Income General Fund account in the Department of Human Services lapses to the General Fund in fiscal year 2004-05.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
EE	EE-1	Amends the law to allow for a partial transfer of funds from the General Fund to the Maine Clean Election Fund to occur on September 1, 2004. (See LD 1673)
FF	FF-1	Requires the Commissioner of Administrative and Financial Services to convene a working group to facilitate claims processing and reimbursement for medically necessary behavioral health services, including but not limited to, emergency and urgent care services. The working group must submit a report to legislative committees by January 15, 2005.
	FF-2	Deappropriates and deallocates funds associated with the mental health parity provisions.
GG	GG 1:3	Amends the law to allow fees from Borrow Pits and Mining to be deposited in the Maine Environmental Protection Fund (MEPF) consistent with the merger of the Borrow Pit Account into the MEPF Fund as a sub-account in Part A of the bill.
HH	HH 1:2, HH-5	Amends the definition of critical access hospital.
	HH-3	Amends the law to increase the tax on hospital net operating revenues to 2.23%
	HH-4	Amends the law to allow hospitals to pay the tax levied against them in two equal payments, one due in November of the state fiscal year and the other due in May.
	HH 6:7	Establishes contingency provisions for the hospital tax and hospital payments included in Part HH-8.
	HH-8	Allocates funds to increase MaineCare payments to hospitals in accordance with rules duly adopted by the Department of Human Services.
	HH-9	Deappropriates funds to be replaced by dedicated revenue from the hospital tax.
II	II-1	Lapses \$600,000 of interest earnings savings in the Debt Service - Government Facilities Authority, General Fund account to the unappropriated surplus of the General Fund by June 30, 2005.
JJ	JJ 1:6	Changes the rate structure for Maine alternative minimum tax from a flat rate (27%) applied to adjusted federal minimum tax to a graduated rate applied to Maine alternative minimum taxable income. The calculation maintains the exemption amounts provided by the Internal Revenue Code effective as of December 31, 2002.
KK	KK 1:3	Changes the calculation of the interest rate on unpaid taxes as well as refunds to the prime interest rate plus 3 percentage points, rather than the current formula of the prime rate plus 2 percentage points. This change is effective July 1, 2004.
LL	LL-1	Places the ACE Service Center under the direct authority of the Department of Environmental Protection.

Appropriations and Financial Affairs

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	LL-2	Amends the law to increase the transfer from the Maine Environmental Protection Fund in the Department of Environmental Protection to the General Fund by \$2,500 in fiscal year 2004-05.
	LL-3	Repeals the provision of law authorizing a transfer from the State Revolving Fund account in the Department of Environmental Protection to the General Fund.
	LL-4	Requires that \$172,573 of the unencumbered balance forward in the Administrative Services Unit – ACE Cluster Other Special Revenue Funds account in the Department of Environmental Protection be transferred to the General Fund in fiscal year 2004-05.
	LL-5	Provides appropriations and allocations related to the reorganization of the ACE Service Center.
MM	MM 1:2	Authorizes the Director of the Bureau of Alcoholic Beverages and Lottery Operations within the Department of Administrative and Financial Services to enter into an agreement with a multijurisdictional lottery association to operate, market and promote a joint lottery or lottery games and provides related allocations. (See LD 1536)
NN	NN-1	Amends the definition of personal care agency to include individuals who hire unlicensed assistance personnel for their own care when permitted by rule of the Department of Human Services.
OO	OO 1:2	Directs the State Budget Officer to calculate savings as a result of increased efforts in pursuing federal and commercial reimbursement of state-funded programs, improved eligibility verification and procedures and other data integration improvements to state funded services. Deappropriates \$2,500,000 from the General Fund and allocates \$2,500,000 Other Special Revenue Funds to reflect those savings and increased reimbursement from federal and commercial sources.
PP	PP-1	Requires the State Controller to transfer \$1,043,460 from the Emergency Services Communications, Other Special Revenue Funds account in the Public Utilities Commission to the unappropriated surplus of the General Fund by June 30, 2005.
QQ	QQ-1	Amends the law to allow the program to pay expenses of members of the Advisory Committee on Family Development Accounts who represent account holders, who must be individuals whose income is below 200% of the nonfarm income official poverty line.
	QQ 2:3	Amends the law to delete the sunset on the provision which allows an institution to apply a Maine State Grant to reduce institutional or other grant aid if the institution grants the institutional or grant aid to a student with demonstrated financial need.

Appropriations and Financial Affairs

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
RR	RR-1	Requires the State Budget Officer to calculate the amount of savings in each General Fund account from information technology savings achieved by extending the use of personal computers and peripheral devices to a minimum of 4 years before replacement.
	RR-2	Requires that exceptions to the replacement schedule must be approved by the Chief Information Officer.
	RR-3	Deappropriates \$500,000 in fiscal year 2004-05 associated with savings achieved from extending the used of personal computers and peripheral devices to a minimum of 4 years before replacement.
SS	SS-1	Authorizes the Department of Transportation to sell the Payne Road Bridge in Scarborough to the Maine Turnpike Authority for \$5,000,000.
	SS-2	Authorizes the State Controller to transfer \$5,000,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.
	SS-3	Requires the transfer of the Transportation Building from the Bureau of General Services within the Department of Administrative and Financial Services to the Department of Transportation.
	SS-4	Directs the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to determine the scope of services and responsibilities of each Department and to report to the Joint Standing Committees of the Legislature for Appropriations and Financial Affairs, Transportation, and State and Local Government by January 30, 2005 with respect to the management and oversight of the Transportation Building Property.
	SS-5	Directs the Commissioner of Administrative and Financial Services and the Commissioner of the Department of Transportation to present any necessary budget adjustments related to the management and operation of the Transportation Building Property to the next regular session of the Legislature.
	SS-6	Authorizes the State Controller to transfer \$6,400,000 from the unallocated surplus of the Highway Fund to the unappropriated surplus of the General Fund at the close of fiscal year 2004-05.
TT	TT 1:2	Increases the surcharge on every fine, forfeiture or penalty imposed by State courts and deposits the monies generated by that increase to the General Fund.
	TT 3:7	Increases fines for suspensions related to operating under the influence offenses, operating after suspension and operating after revocation of license.
UU	UU-1	Amends the law to provide for repayment of funds to the Retiree Health Insurance Fund on or after August 1, 2004.

Appropriations and Financial Affairs

<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
	UU-2	Requires the Department of Administration and Financial Services to manage the Retiree Health Insurance Fund on a cost reimbursement basis of funding and accounting beginning June 30, 2005.
	UU-3	Requires the Department of Administrative and Financial Services to calculate and return the amount of the excess equity to each participating fund and ancillary group contributing to the Retiree Health Insurance Fund in fiscal year 2004-05, after retaining a reasonable amount of working capital.
	UU-4	Provides an appropriation of \$1,100,000 to distribute funds to the Maine Community College System as a result of the divestiture of the Retiree Health Insurance Fund.
VV	VV-1	Authorizes the Department of Public Safety to establish two State Police Sergeant project positions to be temporarily assigned to the Criminal Justice Academy for each training class.
WW	WW 1:5	Amends provisions of Maine Revised Statutes Title 26 to reflect that the Medicaid portion of the consumer-directed personal care assistance services are to be administered by the Department of Human Services and to specify the responsibilities of that Department and the Department of Labor.
	WW-6	Transfers funds from the Department of Labor's Rehabilitation Services - Medicaid program to the Medical Care - Payments to Providers program within the Department of Human Services in FY 2004-05.
XX	XX-1	Repeals a requirement for an annual report to the Appropriations Committee regarding positions vacant for more than 6 months.
YY	YY-1	Prohibits hospital-based physician practices that bill as "hospital services" provided to MaineCare patients from discontinuing acceptance of new MaineCare patients or limiting services to MaineCare patients in a way that differs from policies that apply to other patients funded from any other payment source.
ZZ	ZZ-1	Adds the Long Term Care Ombudsman Program and Legal Services for the Elderly to the agencies receiving federal Administration on Aging funds that may carry funds forward for the purposes of those programs.
AAA	AAA-1:3, AAA 5:6	Amends language related to sales tax registration certificates to provide enhanced enforcement of resale certificate eligibility for applications filed on or after July 1, 2004 or the effective date of this Act, whichever is later.
	AAA-4	Amends PL 2003, c. 20 as it relates to positions established in Maine Revenue Services removing the stipulation that they are limited period positions.
	AAA-7	Appropriates funds for tax enforcement initiatives.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
BBB	BBB-1	Authorizes payment to be made to those employees who were denied merit increases in fiscal year 2003-04.
	BBB-2	Authorizes payment to be made to those Institutional Services employees who would have been eligible to receive a step increase from Step 6 to Step 7 during the period July 1, 2003 to June 30, 2004.
	BBB-3	Provides \$250,000 to the Salary Plan for the step increases authorized in section 2 of this Part.
CCC	CCC-1	Provides for the calculation and transfer of statewide savings in the General Fund related to the cost of health insurance for fiscal year 2004-05.
	CCC-2	Deappropriates \$400,000 in fiscal year 2004-05 as a result of health insurance savings.
DDD	DDD-1	Provides for the calculation and transfer of statewide savings in the General Fund in the cost of workers' compensation claims for fiscal year 2004-05.
	DDD-2	Deappropriates \$426,925 in fiscal year 2004-05 as a result of savings in workers' compensation claims.
EEE	EEE-1	Provides for the calculation and transfer of statewide savings in the General Fund from projected savings in electricity costs for fiscal year 2004-05
	EEE-2	Deappropriates \$750,000 in fiscal year 2004-05 as a result of projected savings in electricity costs.
FFF	FFF 1:2	Amends the required practices of pharmacy benefits managers by deleting authority to substitute lower-priced and therapeutically equivalent drugs and changing the procedures for substituting higher-priced substitute drugs and transferring payments received by the pharmacy benefits manager as a result of substitution of drugs.
	FFF-3	Amends the law to add a pharmacy's status as independent provider to the criteria for awarding incentive payments to pharmacies.
	FFF-4	Requires the MaineCare Advisory Committee to establish a standing subcommittee to review the prior authorization process used in the MaineCare and Drugs for the Elderly benefit programs.
	FFF-5	Makes appropriations and deappropriations as a result of the collection of settlement proceeds; increased administrative costs of stricter prior authorization and pharmacist support; review of pharmacy use in restrictive settings; stricter prior authorization criteria; implementing a voluntary pharmacy mail order program and making incentive payments to pharmacies to mitigate its impact; and the creation of a preferred drug list for the DEL program.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
GGG	GGG 1:2	Establishes Maine Ground fish Fund to support the ground fish industry to be administered by the Commissioner of Marine Resources.
HHH	HHH-1	Moves \$315,000 from the Maine Microenterprise Initiative Fund to the Administration - Economic and Community Development program in fiscal year 2004-05 to provide one-time funding to match the National Aeronautics and Space Administration's EPSCoR award to the Maine Space Grant Consortium. (See LD 167)
III	III 1:2	Eliminates 31 positions as a result of the merger of the Department of Human Services and the Department of Behavioral and Developmental Services.
JJJ	JJJ 1:5	Eliminates the Northern Androscoggin Division of the Eleventh District Court in Livermore Falls and transfers that jurisdiction to the Eighth District.
KKK	KKK 1:2	Transfers funds appropriated to the Educational and General Activities - UMS program for fiscal year 2004-05 for the Maine Economic Improvement Fund in Public Law 2003, c. 20, Part RR to the Maine Economic Improvement Fund program within the University of Maine System.
MMM	MMM 1:4	Establishes the MaineCare Basic program to deliver medically necessary health care services to adult members of the MaineCare program; establishes limits on certain benefits and services for adults; establishes savings targets for these benefits and services; appropriates funds to administer the program; and deappropriates funds to reflect reductions in estimated MaineCare spending as a result of the program.
LLL	LLL 1:4	Adds the Maine Endangered and Nongame Wildlife Fund in the Department of Inland Fisheries and Wildlife to the list of accounts that are not included in transfers of savings to the General Fund in fiscal year 2004-05 and transfers \$30,536 in fiscal year 2004-05 from the General Fund to the Maine Endangered and Nongame Wildlife Fund to reverse the transfer that occurred in fiscal year 2003-04.
NNN	NNN 1:3	Requires the Attorney General to study discrimination against homeless individuals and report the results of the study and any necessary legislation to the Legislature by January 5, 2005.
OOO	OOO-1	Provides that the cap on reimbursement for certain mental health services may not be set below the median rate necessary to achieve the savings identified in this Act.
	OOO-2	Requires the establishment of an advisory working group to examine and make recommendations regarding methods of achieving savings in mental health costs.
PPP	PPP-1	Lapses \$2,400,000 in the Education in the Unorganized Territory General Fund account in the Department of Education to the General Fund in fiscal year 2004-05.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
QQQ	QQQ 1:2	Authorizes the Executive Director of the Legislative Council to sell, in accordance with Legislative Council procedures, unneeded legislative equipment and materials and directs proceeds from the sale to the legislative account.
	QQQ-3	Appropriates funds to cover the expenses of 3 Maine commissioners to attend the annual conference of the Commission on Uniform State Laws and for a portion of the dues of that organization.
RRR	RRR 1:3	Increases the filing fee for registration statements for securities offered for sale from \$500 to \$1,000 effective August 1, 2004.
SSS	SSS 1:3	Requires the Department of Behavioral and Developmental Services to adopt rules to require service providers to charge fees for certain services for children and families funded by grant programs from the department.
	SSS-4	Appropriates \$1,250,000 in fiscal year 2004-05 for the Mental Health Services -- Children program for room and board, flexibility funds and training to partially offset other decreases in funding.
TTT	TTT 1:3	Repeals recently enacted changes, restores the schedule of premiums for the Cub Care program that is scheduled to expire on July 1, 2004 and directs the Department of Human Services to evaluate premiums periodically.
	TTT-4	Makes appropriations and allocations to reflect the changes in Cub Care premiums and to partially restore funding for adult transportation under the MaineCare program.
UUU	UUU-1	Requires that the information shared by the Finance Authority of Maine to the Department of Human Services to be used to determine which Maine State Grant Program recipients are also eligible for TANF job preparation funds or to participate in the Parents as Scholars Program is confidential.
	UUU-2	Deappropriates \$183,250 in fiscal year 2004-05 only that will be paid from TANF block grant funds to provide preparation funds for Parents as Scholars participants.
VVV	VVV-1	Requires the Department of Corrections to report monthly to the legislative committees with jurisdiction over appropriations and financial affairs and criminal justice on the status of the state prisoner and probation population and the staffing necessary to provide adequate supervision.
WWW	WWW 1:37	Increases fees for various business entity filings with the Secretary of State.
XXX	XXX 1:10	Increases fees for various annual report filings with the Secretary of State.
YYY	YYY-1	Establishes standards for determination of whether a business entity with a debt owed to the Department of Human Services is considered out of business.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
ZZZ	ZZZ-1	Requires State Controller to transfer \$500,000 from the Office of Information Services Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.
	ZZZ-2	Requires State Controller to transfer \$93,551 from the A & C Audit Recovery, Other Special Revenue Fund account in the Department of Administrative and Financial Affairs to the unappropriated surplus of the General Fund by June 30, 2005.
AAAA	AAAA-1	Establishes one limited-period Senior Planner position at the Atlantic Salmon Commission in FY 2004-05 and FY 2005-06 funded with federal funds.
BBBB	BBBB 1:2	Provides that a statement of intent for compensation must be filed by a former student of the Maine School for the Deaf or the Governor Baxter School for the Deaf and that an estate is not eligible to submit a statement of intent. If a claimant dies before compensation is paid, the compensation is payable to the estate of the claimant.
	BBBB 3:4	Creates a process by which the Maine Enterprise Initiative Fund within the Department of Economic and Community Development would receive funding, if there is sufficient unappropriated surplus remaining after all other required deductions and transfers at the close of fiscal year 2004-05.
CCCC	CCCC-1	Transfers \$104,357 from the Natural Disaster Business Assistance Fund in the Finance Authority of Maine to the General Fund as undedicated revenue no later than June 30, 2005.
	CCCC-2	Appropriates \$87,000 in fiscal year 2004-05 to Adult Education. (See LD 194)
DDDD	DDDD-1	Classifies certain aspects of the State's group health plan for retired state employees as "solemn contractual commitments," under conditions set forth in this Part. The commitment is made to state employees who are eligible for membership in the Maine State Retirement System, the Maine Legislative Retirement System or the State Police Retirement System and to employees of the Maine Turnpike Authority, the Maine Community College System and the Maine State Retirement System.

This Part provides that the eligibility criteria for health plan coverage as a retiree or a family member of a retiree may not be more stringent than the criteria that existed at the time the employee became vested, which for most state employees is after 5 years of creditable service. It also provides that the State contribution percentage toward the premium cost for retirees may not be less than at the time the employee became vested. Finally, it provides that retirees will continue to be eligible to participate in the same group health plans as active employees, or substantially similar plans. The State Employee Health Commission will determine whether plans are substantially similar. In determining whether the plan offered to Medicare-eligible retirees is substantially similar to that offered to active employees, the Commission will look at the combination of Medicare or successor federal plan benefits and benefits included in any supplemental plan provided by the State.

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<u>PART</u>	<u>SECTION</u>	<u>DESCRIPTION</u>
EEEE	EEEE-1	Clarifies the intent of the use of the \$3,000,000 portion of the transportation bonds proceeds of Private and Special Law 2003, chapter 33. The Department of Public Safety is required to award grants of \$3,000,000 to expand existing air-medical response system throughout the state, up to \$400,000 of these grants must be for the costs of acquisition of a mobile advance human patient simulator mannequin system of grants.
FFFF	FFFF-1	Appropriates \$32,000 in fiscal year 2004-05 to the Magnet Schools program and deappropriates the same amount from General Purpose Aid for Local Schools.
GGGG	GGGG 1:9	Amends the statutes governing the Office of Program Evaluation and Government Accountability (OPEGA) to authorize the legislative oversight committee to direct OPEGA to conduct evaluations of local government, quasi-municipal entities and municipal or nonprofit corporations when determined necessary by the committee and to examine expenditures of private money by public officials or employees. It also removes language concerning the Department of Audit that defines program evaluation and instead enacts language that gives the committee the discretion to request the department to conduct an examination or, if the department is unable to perform the examination in a timely manner, to direct OPEGA to obtain the services of an auditor. It also clarifies the status of information provided to OPEGA and requires the director and the employees of OPEGA to be nonpartisan.
HHHH	HHHH-1	Requires the Treasurer of State to structure the June 2004 bond issue to be paid in semiannual installments of principal and interest over a period of no more than 9 years with the first annual installment due on or after January 1, 2005.
	HHHH-2	Recognizes the General Fund and Highway Fund debt service savings from the restructuring of the June 2004 bond issue and appropriates \$6,000,000 in fiscal year 2004-05 to the Baxter Compensation Authority. (See LD 1682)
IIII	IIII-1	Directs the Public Utilities Commission, when determining the level of financial assistance to be provided from the Maine Telecommunications Education Access Fund to qualifying libraries, to mitigate the impact of lost federal funding in those cases in which libraries have determined they could not meet conditions for receiving the federal funding without substantially compromising their standards or missions.

PUBLIC 701 An Act To Provide Funding for the Maine-Canada Trade LD 634
Ombudsman

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	H-722
STANLEY		H-980 BRANNIGAN

Public Law 2003, chapter 701 provides funding for the Office of the Maine-Canada Trade Ombudsman, an office created in Public Law 2001, chapter 643. The duties of the ombudsman are to act as the Maine

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representative for relations with Canada to ensure the coordination of state policy when dealing with Canada and to work with businesses and individuals to investigate and work toward resolution of complaints that arise concerning trade issues. Funding was originally provided in chapter 643, but was deappropriated in Public Law 2001, chapter 714, Part B.

PUBLIC 710 An Act To Promote Economic Growth by Retaining Engineers in LD 993 Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART	OTP-AM MAJ ONTP MIN	S-553

Public Law 2003, chapter 710 establishes the Maine Engineers Recruitment and Retention Program to provide financial assistance and incentives to any graduate of a college of engineering within the University of Maine System who employed in an engineering position in the State. The program provides loan repayment to up to 10 eligible engineers working in Maine businesses. The employers who apply for the loan repayment funds must match all funds received by their employees. The program is administered by the Finance Authority of Maine with assistance in determining recipients from an advisory committee.

P & S 49 An Act To Support the Kennebec-Chaudiere International LD 1149 Corridor

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT COLWELL	OTP-AM MAJ ONTP MIN	S-391 S-591 CATHCART

Private and Special Law 2003, chapter 49 provides on-going funds beginning in fiscal year 2004-05 for publicity, signs, kiosks, brochures and other materials and services associated with promoting the Kennebec-Chaudiere International Corridor.

P & S 50 An Act To Support the New Century Community Program LD 1787

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO ROTUNDO	OTP	S-594 CATHCART

Private and Special Law 2003, chapter 50 provides \$100,000 to the New Century Community Program. The goals of the program are to strengthen local cultural resources, including community arts activities, humanities programs and historic preservation activities; provide educational services beyond the reach of the standard

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educational system; and preserve both the State's material culture and its built environment through grants for preservation and restoration.

P & S 51 An Act To Appropriate Funds for World War II and Korean LD 1841
War Memorial Plaques in the Hall of Flags

Sponsor(s)	Committee Report	Amendments Adopted
MCGLOCKLIN	OTP	S-597 CATHCART
GAGNON		

Private & Special Law 2003, chapter 51 provides \$20,000 for World War II and Korean War memorial plaques in the Hall of Flags.

P & S 52 An Act To Appropriate Funds to the Maine Potato Board for LD 1937
EMERGENCY the Purchase of Potatoes in Need of Disposal Due to Weather
Conditions during the Harvest in 2003

Sponsor(s)	Committee Report	Amendments Adopted
MARTIN	OTP	

Private and Special Law 2003, chapter 52 appropriates \$750,000 to the Maine Potato Board to purchase from farmers table stock potatoes that are rotting due to poor weather during the harvest in 2003 and are in need of disposal at the rate of \$1.50 per hundredweight.

Private and Special 2003, chapter 52 was enacted as an emergency measure and took effect May 11, 2004.

P & S 53 An Act To Support the Regional Library System LD 279

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE	OTP-AM	H-703
		S-590 CATHCART

Private and Special Law 2003, chapter 53 appropriates \$100,000 in fiscal year 2004-05 to offset increasing costs at the area reference and resource centers for the provision of Regional Library System activities.

RESOLVE 145 Resolve, To Renew the Veterans' Emergency Assistance Program LD 1021

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM	S-600 CATHCART

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Resolve 2003, chapter 145 appropriates \$50,000 from the General Fund in fiscal year 2004-05 for the administration of the veterans' emergency assistance.

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RESOLVE 147

Resolve, to Fund Scholarships to the Seeds of Peace Camp

LD 47

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEIDRICH BENNETT, R	OTP-AM	H-704 S-589 BENNETT, R

Resolve 2003, chapter 147 provides for up to \$25,000 in the State Contingent Account specified to be used for emergencies to be used to support scholarships for the Seeds of Peace International Camp in the Town of Otisfield in fiscal year 2004-05 only.

Business, Research and Economic Development

PUBLIC 512 An Act To Protect Consumer Privacy Rights

LD 692

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE	OTP-AM MAJ	H-627
TREAT	ONTP MIN	

Public Law 2003, chapter 512 restricts the ability of a person, corporation or other entity to deny goods or services to a consumer on the basis of that consumer's failure to provide a social security number, except when otherwise permitted or required by state or federal law or when the purpose of the request for the social security number is to permit the requesting party to obtain a credit report for a "permissible purpose" under the state Fair Credit Reporting Act or the United States Fair Credit Reporting Act. The law exempts banks and credit unions and their agents, subsidiaries and affiliates; licensed supervised lenders; companies engaged in the business of insurance; health care and pharmaceutical companies; companies that conduct necessary background checks; and companies that must ensure the identity of the individuals for whom they are providing a good or service.

PUBLIC 524 An Act To Authorize Collaborative Practice for Emergency Contraception

LD 1152

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP MAJ	
RICHARDSON J	ONTP MIN	

Public Law 2003, chapter 524 authorizes a pharmacist to initiate emergency contraception drug therapy in accordance with standardized protocols developed by the pharmacist and an authorized prescriber acting within his or her scope of practice. The law requires a pharmacist who initiates emergency contraception drug therapy pursuant to these provisions to provide the recipient with a standardized fact sheet developed by the Department of Professional and Financial Regulation, Maine Board of Pharmacy, in consultation with the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other health care organizations. The law also requires that prior to performing this procedure a pharmacist complete a specified training program.

PUBLIC 537 An Act To Simplify the Finance Authority of Maine Act

LD 1766

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KAELIN	OTP-AM MAJ	H-686
BROMLEY	ONTP MIN	

Public Law 2003, chapter 537 simplifies the Finance Authority of Maine Act by consolidating the loan insurance sections of law and making involvement of the Department of Environmental Protection consistent throughout the Finance Authority of Maine's loan insurance programs. The law also clarifies definitions, corrects cross-references and repeals redundant statutory sections.

Business, Research and Economic Development

PUBLIC 541 An Act To Strengthen the Charitable Solicitations Act

LD 1691

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY SMITH N	OTP	

Public Law 2003, chapter 541 creates consistency in the timing and content of reports submitted by charitable organizations and the parties with whom they contract in order to facilitate comparison of data regarding the reported percentage of funds raised that are remitted to the charity for program purposes and the percentage accruing to the benefit of paid professional solicitors. The law also clarifies the distinction between a professional solicitor and a professional fund-raising counsel. In addition, the law enables the Department of Professional and Financial Regulation to collect financial data from professional solicitors who have, in the past, been able to withhold it by obtaining registrations as professional fund-raising counsel, as is currently permitted by law. The law also extends the disciplinary authority of the department over entities registered under the Charitable Solicitations Act to any instance in which the provisions of the act have been violated. Finally, the law eliminates the bonding exemption for auctioneers who become professional solicitors, professional fund-raising counsel or commercial co-venturers.

PUBLIC 542 An Act To Clarify the Educational Requirements for Counselor Licensure

LD 1757

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BRENNAN	OTP	

Public Law 2003, chapter 542 clarifies existing statutory language regarding educational requirements for counselor licensure. The law removes barriers to licensure for qualified practitioners, including first-time applicants as well as practitioners licensed in other states.

PUBLIC 557 An Act To Authorize Licensure by Endorsement for Canadian EMERGENCY Dentists and Dental Hygienists

LD 1736

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLON BROMLEY	OTP-AM	H-708

Public Law 2003, chapter 557 allows dentists and dental hygienists from Canada to be endorsed for licensure in Maine. The law was enacted as an emergency measure effective March 17, 2004.

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PUBLIC 580 An Act To Adopt a Model Building Code

LD 1025

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-417

Public Law 2003, chapter 580 establishes the Maine Model Building Code, which is composed of the International Residential Code and the International Building Code. Adoption of the Maine Model Building Code is voluntary on the part of towns, cities and municipalities, but a town, city or municipality may not elect to adopt a residential building code or nonresidential building code other than the Maine Model Building Code. The law also allows local amendments to the Maine Model Building Code, including adoption of portions of the code, and does not prohibit local adoption of building rehabilitation codes. The law specifies that, to the extent that portions of the Maine Model Building Code conflict with existing statewide codes and standards, those portions of the Maine Model Building Code are inapplicable. The law also specifies that no other codes or standards are automatically adopted by reference as part of the Maine Model Building Code. Finally, the law clarifies that no new training of code enforcement officers by the Executive Department, State Planning Office is required.

PUBLIC 582 An Act To Facilitate the Recovery of Stolen Property

LD 1715

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM MAJ OTP-AM MIN	S-407

Public Law 2003, chapter 582 leaves intact existing statutory requirements for recording information concerning the purchase of used goods and for making those records available for inspection by law enforcement officers or prosecuting attorneys. The law moves these requirements out of the Maine Revised Statutes, Title 15 and into Title 30-A.

PUBLIC 595 An Act To Control Adult Entertainment Establishments

LD 1801

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	ONTP MAJ OTP-AM MIN	H-733

Public Law 2003, chapter 595 enables a municipality to enact an adult entertainment establishment ordinance, which regulates the operation of sexually oriented businesses, without triggering the requirement of adoption of a comprehensive plan.

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PUBLIC 597 An Act To Amend the Boiler and Pressure Vessel Law LD 1879

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN SULLIVAN	OTP-AM	S-431

Public Law 2003, chapter 597 eliminates the statutory requirement that steam boilers not exceeding 15 pounds per square inch or hot water and hot water supply boilers not exceeding 160 pounds per square inch or 250 degrees Fahrenheit owned by schools and municipalities be operated by licensed boiler operators. The law also eliminates the distinction between the two types of boiler operator's licenses, combining them into one boiler operator's license, and clarifies that local water districts are exempt from boiler inspection requirements in the same manner as schools and municipally owned buildings.

**PUBLIC 598 An Act To Amend the Laws Governing the Loring Development LD 1880
EMERGENCY Authority of Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN YOUNG	OTP-AM	S-432

Public Law 2003, chapter 598 conforms the Loring Development Authority of Maine's bonding powers to those bonding powers of other agencies of the State and makes the authority's enabling statute consistent with federal law by incorporating the changes that have been made to federal and state law since the adoption of the Loring Development Authority of Maine's enabling statute in 1993. The law also restricts the authority of the Loring Development Authority to issue bonds only to finance projects that are substantially located within Aroostook County.

Public Law 2003, chapter 598 was enacted as an emergency measure effective April 6, 2004.

**PUBLIC 601 An Act To Implement the Recommendations of the Joint Standing LD 1933
Committee on Business, Research and Economic Development
Regarding the Board of Licensure in Medicine Pursuant to Reviews
Conducted under the State Government Evaluation Act**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law 2003, chapter 601 implements the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Licensure in Medicine under the State Government Evaluation Act. The law:

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1. Delegates to the secretary of the Board of Licensure in Medicine certain duties, including license application reviews, and to the board's executive director the receipt of fees;
2. Recognizes combined training programs not yet accredited as well as physician training in the United Kingdom other than internal medicine and surgery, and updates postgraduate training requirements to recognize specialty board certification;
3. Clarifies temporary and emergency locum tenens licensure provisions;
4. Updates requirements for certification during postgraduate training;
5. Allows licenses to be denied renewed when a debt is owed to the board;
6. Mandates reporting of sexual misconduct; and
7. Makes other technical corrections to existing statutes.

PUBLIC 603 An Act To Amend the Definition of "Electrical Installations" in the LD 1773 Laws Governing Electricians

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON BRYANT	OTP	

Public Law 2003, chapter 603 amends the laws governing electricians to include complete installations related to photovoltaic, fuel cell and wind power generation systems in the definition of "electrical installations."

PUBLIC 605 An Act To Provide Assistance to Municipalities Regarding LD 1663 Downtown Rehabilitation Building Codes

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LERMAN	OTP-AM MAJ ONTP MIN	H-770

Public Law 2003, chapter 605 directs the Executive Department, State Planning Office, within existing resources, to provide technical assistance to municipalities and regional planning organizations in the development and implementation of local building codes and those local building rehabilitation codes that are consistent with any model building codes adopted by the State.

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PUBLIC 609 An Act To Amend the Licensing Laws for Hearing Aid Dealers and LD 1908 Fitters

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP MAJ	
PELLON	ONTP MIN	

Public Law 2003, chapter 609 permits an audiologist licensed by the Board of Examiners on Speech-language Pathology and Audiology to obtain a permit to fit and dispense hearing aids to the public without undergoing a training period under the supervision of a licensed hearing aid dealer. In addition, the law exempts a licensed audiologist from the examination requirement of the Board of Hearing Aid Dealers and Fitters as well as other restrictions associated with the business of dispensing hearing aids to the public.

PUBLIC 666 An Act to Define a Scope of Practice for Acupuncture LD 263

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-414
DUDLEY	ONTP MIN	

Public Law 2003, chapter 666 amends and updates existing law governing acupuncture to add to the existing scope of practice those techniques that are taught in accredited colleges of acupuncture. The law also provides for certification in the modality of Chinese herbal formulation, and clarifies that other licensed persons and unlicensed persons are not prevented from using the listed techniques by the techniques' inclusion within acupuncturists' scope of practice. Finally, the law makes a technical correction to the definition of "acupuncture" and amends the acupuncturist and naturopathic doctor licensing fee statutes, including a fee for the newly created acupuncturist certification.

PUBLIC 668 An Act To Require Surety Bonding by Payroll Processing LD 1843 Companies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM MAJ	H-838
HALL	ONTP MIN	H-902 SULLIVAN

Public Law 2003, chapter 668 strengthens the laws regarding payroll processors in the following ways:

1. It designates the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation as the administrator for the licensing program for payroll processors other than those payroll processors that are wholly owned subsidiaries of financial institutions; for payroll processors that are wholly owned subsidiaries of financial institutions, the law designates the

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Superintendent of Financial Institutions within the Department of Professional and Financial Regulation as the administrator for the licensing program;

2. It requires that payroll processors be licensed and establishes a 3-tiered fee for licensure, based on the number of client employers a payroll processor serves, as follows: \$250 for processors serving fewer than 25 client employers; \$500 for processors serving 25 to 500 client employers; and \$750 for processors serving more than 500 client employers;
3. It sets the amount for required surety bonds at between \$100,000 and \$500,000, depending on the amount of employers' taxes and unemployment insurance premiums handled, and authorizes the administrator to modify the surety bonding requirement if the bonds are not available. It also exempts payroll processors that do not have the authority to access, control, direct, transfer or disburse client funds from the surety bonding requirements;
4. It triples existing statutory fines for failure to register per violation, from a range of \$500 to \$2,500 to a range of \$1,500 to \$7,500 for failure to obtain a license per violation;
5. It requires disclosures by payroll processors to client employers, including quarterly accountings of funds disbursed, notice of methods by which the employers may verify that taxes have been paid and limitations of surety bonds. It also exempts payroll processors that do not have the authority to access, control, direct, transfer or disburse client funds from the disclosure requirements;
6. It prohibits payroll processors from being designated as sole recipients of delinquency notices for tax payments;
7. It requires notification when bond coverage lapses and establishes each day of lapsed coverage as a civil violation subject to a penalty of \$1,500 to \$7,500;
8. It establishes regulatory powers of the administrator of the licensing program, including regular and special examinations, subpoena power, inspection and maintenance of records, assessment of expenses and rule-making authority. The law also allows the administrator to use an internal or external audit of a payroll processor to supplement or substitute for the administrator's own regular examination;
9. It enables the administrator to contract with other agencies, including for the purpose of sharing confidential information in furtherance of the licensing program and enforcement;
10. It establishes enforcement actions available to the administrator, including cease and desist actions, bond forfeiture, civil actions, increased regulatory oversight and license suspensions and revocations, as well as a private right of action; and
11. It establishes procedures for the administrator to appoint a receiver in cases of insolvency or potential liquidation of a payroll processor.

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PUBLIC 669 An Act To Implement the Recommendations of the Joint Standing LD 1958
Committee on Business, Research and Economic Development
Regarding the Board of Dental Examiners Pursuant to Reviews
Conducted under the State Government Evaluation Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-498 HALL S-499 BROMLEY

Public Law 2003, chapter 669 implements the recommendations of the Joint Standing Committee on Business, Research and Economic Development pursuant to its review of the Board of Dental Examiners under the State Government Evaluation Act. The law:

1. Adds one dental hygienist member position to the Board of Dental Examiners;
2. Creates the Subcommittee on Denturist Discipline and the Subcommittee on Dental Hygienist Submissions, each with the authority to issue recommendations on matters within the subcommittee's scope that are binding unless overturned by a 2/3 supermajority of the board;
3. Authorizes the board to order mental or physical examinations of dentist, dental hygienist and dental radiographer licensees, identical to the board's existing authority to order examinations for denturist licensees;
4. Increases required hours of continuing education for dental hygienists from 20 to 30 every 2 years;
5. Codifies in statute the current rules of the board concerning the requirements for licensure of dental hygienists who are graduates of accredited programs;
6. Directs the Commissioner of Professional and Financial Regulation to perform a sunrise review concerning the expansion of the scope of practice of licensed denturists to include fabrication and insertion of partial dentures and dentures over implants and authorizes the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters to introduce a bill in the First Regular Session of the 122nd Legislature to expand that scope of practice accordingly; and
7. Increases the fee caps for licensees as follows: for dentists, from \$400 to \$550; for dental hygienists, from \$100 to \$175; for denturists, from \$100 to \$175; and for dental radiographers, from \$50 to \$125.

PUBLIC 681 An Act To Encourage and Support Maine Small Businesses LD 1325

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-486
SULLIVAN	ONTP MIN	S-562 CATHCART

Public Law 2003, chapter 681 does the following:

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1. It authorizes the InforME system to designate as "InforME Goldstar Communities" those towns, cities or municipalities that provide exemplary on-line services for persons seeking to establish businesses in the State;
2. It requires that appointments to the Maine Regulatory Fairness Board be presented to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters prior to being made final;
3. It changes the name of the Maine Small Business Commission to the Maine Small Business and Entrepreneurship Commission;
4. It includes the House and Senate chairs of the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters as ex officio, nonvoting members and the chair of the Small Business Development Centers Advisory Council as a voting member of the Maine Small Business and Entrepreneurship Commission; and
5. It directs the InforME system, in cooperation with certain state agencies, to include, no later than January 1, 2006, as part of its services on-line application and submission of forms for licensure as a business. Additionally, the law requires live on-line assistance from the Department of Economic and Community Development, with technical assistance from the InforME system, to address questions concerning establishment of a business in the State.

PUBLIC 700 An Act To Amend the Laws Concerning Returnable Beverage LD 1257
EMERGENCY Containers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-855
CATHCART		H-977

Public Law 2003, chapter 700 phases in the transfer of unclaimed deposits and handling fee increases for beverage containers in product groups that are the subject of commingling agreements that have been filed by March 1, 2004 with the Department of Agriculture, Food and Rural Resources regardless of whether the initiator of deposit was a party to that agreement. On July 1, 2004, initiators of deposit must pay the additional 1/2¢ handling fee and transfer unclaimed deposits, for beverage containers not included in a qualified commingling agreement, that were not paid or transferred during the period of March 1, 2004 to July 1, 2004. The law also enables unclaimed deposit amounts to be treated as a tax and reports concerning unclaimed deposit amounts to be treated as returns, for the purposes of collection and enforcement, and designates the State Tax Assessor as the collector of these amounts.

The law does not correct an error in Public Law 2003, chapter 499, which unintentionally omitted farm wineries from the exemption to commingling requirements and handling fee increases, because that correction is made within the law concerning errors and omissions, Public Law 2003, chapter 688, part F.

Public Law 2003, chapter 700 was enacted as an emergency measure effective May 11, 2004.

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PUBLIC 704 An Act To Coordinate Education, Job Training and Employers in LD 1883 Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL STANLEY	OTP-AM	H-825 S-598 CATHCART

Public Law 2003, chapter 704 creates and expands opportunities in Maine to retain and attract youth, defined as persons 15 to 35 years of age. The law does the following.

1. It directs the Department of Economic and Community Development to develop and implement a comprehensive marketing strategy, beginning in fiscal year 2005-06, to promote Maine to youth as an attractive location to pursue education, employment and business development opportunities;
2. It establishes the Future for Youth in Maine State Work Action Tactics Team, or "S.W.A.T. Team," to bring together representatives of government, education, business and labor in a focused, coordinated effort to advise and recommend economic development policy and specific efforts to retain and attract youth;
3. It directs the trustees of the University of Maine System and the Maine Community College System to develop and implement a formal process to work collaboratively with public and private sector representatives of business, industry and economic development to coordinate higher education planning and resource allocation decisions with the needs of the State's economy and business sector, and to develop a comprehensive plan to coordinate higher education with the needs of the business sector; and
4. It directs the Maine State Housing Authority to develop recommendations to create or modify programs with the goal of expanding access to housing for young professionals and young families and specifically to consider strategies to assist renters and first-time home buyers who are under 35 years of age and explore options for linking assistance levels to student loan obligations.

P & S 38 An Act To Provide for the 2004 and 2005 Allocations of the State LD 1838 EMERGENCY Ceiling on Private Activity Bonds

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN BROMLEY	OTP	

Private and Special Law 2003, chapter 38 establishes the allocations of the state ceiling on issuance of tax-exempt bonds for calendar years 2004 and 2005. Under federal law, a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2004 and a maximum of \$233,795,000 in tax-exempt bonds benefiting private individuals or entities may be issued in Maine in 2005. This law allocates the state ceiling among the state-level issuers of tax-exempt bonds.

Private and Special Law 2003, chapter 38 was enacted as an emergency measure effective March 17, 2004.

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P & S 41 **An Act To Provide for a Limited Transition Provision for Renewal** **LD 1931**
EMERGENCY **of Certain Social Worker Licenses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN	OTP	

Private and Special Law 2003, chapter 41 addresses problems with the implementation of Public Law 2003, chapter 429. That law became effective on September 13, 2003. The new consultation requirements of that chapter, however, became effective on January 1, 2004. To avoid unfairness to licensees who held valid licenses on September 13, 2003 but who have not been subject to those consultation requirements before and who will need a reasonable period of time within which to comply with those requirements, Private and Special Law 2003, chapter 41 provides for a limited transition to authorize the Department of Professional and Financial Regulation, State Board of Social Worker Licensure to delay application of new consultation requirements for those licensees so that all licensees will have not less than 2 years, the equivalent of one 2-year license cycle, but not more than 4 years, the equivalent of 2 2-year license cycles, to meet the new consultation requirements as provided by Public Law 2003, chapter 429.

Private and Special Law 2003, chapter 41 was enacted as an emergency measure effective April 7, 2004.

RESOLVE 126 **Resolve, Regarding Legislative Review of Portions of Chapter 360: LD 1831**
EMERGENCY **Responsibilities of Manufacturers, Distributors, Dealers and**
 Redemption Centers under the Returnable Beverage Container
 Law, a Major Substantive Rule of the Department of Agriculture,
 Food and Rural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-758

Resolve 2003, chapter 126 approves the final adoption of portions of Chapter 360: Responsibilities of Manufacturers, Distributors, Dealers and Redemption Centers under the Returnable Beverage Container Law, a provisionally adopted major substantive rule of the Department of Agriculture, Food and Rural Resources provided that:

1. Language is added providing an exception to the annual license fee so that initiators of deposit that are small bottlers and brewers are required to pay a \$50 rather than a \$500 annual license fee;
2. Language is added providing that a distributor designated in a qualified commingling agreement is required to pick up beverage containers for all distributors who are members in the commingling agreement each time the distributor makes a regularly scheduled delivery of beverages; and
3. Language is added to provide that wine containers marked by the manufacturer with a label that is consistent with the requirements of the rule are not required to have any additional labels, stickers or marking.

Resolve 2003, chapter 126 was finally passed as an emergency measure effective April 9, 2004.

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RESOLVE 132 **Resolve, Regarding Legislative Review of Chapter 302: Rules for** **LD 1914**
EMERGENCY **the Maine Microenterprise Initiative, a Major Substantive Rule of**
 the Department of Economic and Community Development

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-785

Resolve 2003, chapter 132 approves Chapter 302: Rules for the Maine Microenterprise Initiative, a major substantive rule of the Department of Economic and Community Development, with the following changes:

1. Language is changed to restore the original grant amounts of \$150,000 and \$75,000, rather than the proposed change of amounts to \$175,000 and \$100,000; and
2. Language is added to give preference to proposals from businesses with 5 or fewer employees.

Resolve 2003, chapter 132 was enacted as an emergency measure effective April 14, 2004.

RESOLVE 140 **Resolve, Authorizing Professional and Occupational Licensing** **LD 1959**
EMERGENCY **Authorities in State Government To Defer or Waive Continuing**
 Education Requirements for Military Personnel

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK		H-903 SULLIVAN
BROMLEY		

Resolve 2003, chapter 140 gives professional and occupational licensing authorities in State Government limited authority to waive continuing education requirements for returning service personnel, including personnel serving in Iraq, Kuwait, Afghanistan and Cuba.

Resolve 2003, chapter 140 was finally passed as an emergency measure effective April 27, 2004.

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PUBLIC 521 An Act To Amend the Laws Governing the Display of Fireworks LD 1744 and Indoor Pyrotechnics

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE HATCH PH	OTP-AM	H-644

Public Law 2003, chapter 521 amends the law regarding pyrotechnics as follows.

1. It requires a person to apply for a permit from the Commissioner of Public Safety 20 days before conducting a fireworks display, instead of 10 days before as currently required.
2. It increases the amount of public liability insurance that an applicant for a permit to conduct a fireworks display must have from \$500,000 to \$1,000,000.
3. It requires the State Fire Marshal or the State Fire Marshal's designee to monitor all indoor pyrotechnic events.
4. It delineates license renewal procedures for fireworks technicians.

PUBLIC 535 An Act To Expand the State Fire Marshal's Responsibilities and To LD 1731 Clarify That the Commissioner of Public Safety Will Follow the Maine Administrative Procedure Act when Adopting Certain Rules

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE HATCH PH	OTP-AM	H-681

Public Law 2003, chapter 535 expands the responsibility of the State Fire Marshal to include protection of the public in the area of incendiary devices and makes it clear that the Commissioner of Public Safety must follow the Maine Administrative Procedure Act when making rules involving life safety and property protection. Public Law 2003, chapter 535 also updates the definition of "explosives" in Title 17-A, section 1001; amends the headnote of Title 25, section 2452 to better reflect the purpose of the law; and changes the phrase "outdoor gatherings" to "mass outdoor gatherings," as defined in the Maine Revised Statutes, Title 22, section 1601.

Criminal Justice and Public Safety

PUBLIC 540 An Act To Amend the Law Providing Restitution to Victims of LD 1738
Timber Theft

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH N	OTP-AM	H-690
BRYANT		

Public Law 2003, chapter 540 amends the law awarding restitution for the unlawful cutting of trees by specifying that, at the request of the prosecutor, the court may suspend all or a portion of the forfeiture adjudged for unlawfully cutting trees and apply it to restitution to the property owner of the unlawfully cut trees.

PUBLIC 556 An Act To Increase the Amount of Restitution Allowed for State LD 1821
and Municipal Fire Service

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-713
BRYANT		

Public Law 2003, chapter 556 increases limits on restitution that may be paid by persons engaging in out-of-door burning. Current law provides that any person who engages in out-of-door burning in violation of the law or who fails to comply with any stated permit condition or restriction commits a Class E crime. If the State proves that while in violation that person's out-of-door fire resulted in fire suppression costs to municipalities or State Government, the court may order restitution to a municipality not exceeding \$2,000 and total restitution to municipalities and the State not exceeding \$10,000. Public Law 2003, chapter 556 increases the limit on restitution to \$25,000 for a municipality and \$125,000 for total restitution to municipalities and State Government.

PUBLIC 559 An Act To Amend the Maine Emergency Medical Services Act of LD 1762
1982

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-709
HATCH PH		

Public Law 2003, chapter 559 extends the deadline for the completion of the ambulance vehicle operators course requirements from January 1, 2005 to January 1, 2007, corrects inconsistencies regarding complaint procedures between the Maine Emergency Medical Services Act of 1982 and the Maine Administrative Procedure Act and clarifies the confidentiality provisions in the areas of quality assurance and investigations regarding licensees in the emergency medical services field. Public Law 2003, chapter 559 also clarifies that both investigative records and complaints become public records upon the conclusion of an investigation,

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unless they are confidential pursuant to another provision of law, and changes from January 31, 2004 to January 31, 2005 the date by which the Commissioner of Public Safety must complete a study of the statewide emergency medical services system and report findings and suggested legislation to the Legislature.

PUBLIC 560 An Act To Maintain the Current Statutes Regarding Unlawful LD 1832
EMERGENCY Solicitation To Benefit Law Enforcement Agencies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2003, chapter 560 removes language that repeals the current law regarding unlawful solicitation to benefit law enforcement officers and agencies. Public Law 2003, chapter 560 continues to allow a person to solicit as long as property solicited in no way tangibly benefits the solicitor.

Public Law 2003, chapter 560 was enacted as an emergency measure effective March 17, 2004.

PUBLIC 565 An Act Requiring Blood Testing of All Drivers Involved in Fatal LD 1803
Accidents

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES	OTP-AM	H-712
DUPLESSIE		

Public Law 2003, chapter 565 amends the Maine Revised Statutes, Title 29-A by requiring that, in cases when there is probable cause to believe that death has occurred or will occur as a result of an accident, the investigating officer shall cause a blood test to be administered on every operator involved in the accident as soon as practicable following the accident. The officer may also cause a breath test or any other chemical test to be administered if the officer determines appropriate. Operators shall submit to and complete all tests administered. Except as otherwise provided in Title 29-A, section 2522, subsection 2, testing must be conducted in accordance with Title 29-A, section 2521, which governs drivers' implied consent to chemical tests.

PUBLIC 570 An Act To Revise the Minimum Firefighter Safety Standards LD 1789

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM	H-691
EDMONDS		

Public Law 2003, chapter 570 updates Maine's firefighter personal equipment and clothing safety standards to meet National Fire Protection Association standards. Specifically, if new equipment is purchased, it must meet

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the safety standard in effect at the time of the purchase. If used protective clothing that is not new is acquired, the clothing must at least meet the standards in effect in 1987. Any protective clothing purchased prior to 1987 that does not meet National Fire Protection Association standards must be replaced. Public Law 2003, chapter 570 also expands firefighter training requirements to include “education” requirements and moves language requiring hearing protection to the provision of law establishing standards for equipment and clothing. Public Law 2003, chapter 570 has an effective date of July 1, 2005 in order to give fire departments time to comply with the new standards.

PUBLIC 620 An Act To Enhance Professionalism of Private Investigators in this LD 1014 State

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUNKER CARPENTER	OTP-AM	H-249 H-832 BRANNIGAN

Public Law 2003, chapter 620 makes the following changes to the current licensing requirements for private investigators.

1. It changes the time when a private investigator's license may be renewed after initial licensure from every 2 to every 4 years and doubles the renewal fee to \$400.
2. It changes the term of an investigative assistant's license from one year with a possibility of a 6-month extension to 2 years and doubles the fee to \$600.
3. It clarifies that presentation of a badge by a private investigator or an investigative assistant to cause another person to believe that the private investigator or investigative assistant is a sworn peace officer is a Class D crime.
4. It clarifies that a private investigator or investigative assistant who contracts with a state law enforcement agency is bound by that agency's confidentiality obligations.

PUBLIC 656 An Act To Implement the Recommendations of the Commission To LD 1847 Improve Community Safety and Sex Offender Accountability Regarding Public Notification by Law Enforcement

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-852

Public Law 2003, chapter 656 is one of the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability, established pursuant to Resolve 2003, chapter 75. Public Law 2003, chapter 656 directs the Board of Trustees of the Maine Criminal Justice Academy to set minimum policy standards for law enforcement agencies to use in developing community notification policies regarding sex offenders.

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PUBLIC 657 An Act To Amend the Maine Criminal Code and Motor Vehicle LD 1844
Laws as Recommended by the Criminal Law Advisory Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-853
	OTP-AM MIN	

Public Law 2003, chapter 657 does the following.

1. It adds "date of birth" to the information that must be provided to a law enforcement officer upon request by the person to whom a summons is issued or delivered, adds the word "correct" relative to the information to be supplied by the person and strikes an exception relative to use of nonconforming forms that no longer is relevant.
2. It addresses a defect in the statute prohibiting obstruction of government administration.
3. It repeals Title 17-A, section 1158 and replaces it with section 1158-A, which clarifies statutes dealing with forfeiture of firearms.
4. It replaces Title 17-A, section 1202, subsection 1-B in order to address the constitutional defect of 2-year probation periods for persons convicted of Class D or Class E crimes involving domestic violence and eliminates the necessity of the State's pleading and the jury's having to find that the Class D or Class E crime involved "domestic violence" by specifically enumerating the Class D or Class E crimes that automatically qualify and by having the State plead and the jury find that the qualifying crime was committed by the person "against a family or household member," as defined in Title 19-A, section 4002, subsection 4. It also makes clear that imposition of the extended period of probation is further conditioned upon the court's ordering the person to complete a certified batterers' intervention program as defined in Title 19-A, section 4014 and that termination of the extended probation period requires a judicial finding that the probationer has served at least one year of probation, has successfully completed a certified batterers' program and has met all other conditions of probation.
5. It clarifies that, in the event there is a failure by the State to comply with the time limits set forth in Title 17-A, section 1205-C for initial proceedings on a probation violations, a court may, but is not required to, issue an order that, pending initial appearance, the probationer be released on personal recognizance.
6. It eliminates the constitutional question raised by Maine's 2-tier system for terms of imprisonment for Class A crimes by replacing that system with a single 0 - to 30-year range. This change anticipates that the Law Court, through the case-by-case sentence review process, will develop and apply criteria that will avoid the imposition of excessively harsh sentences within the single range.
7. It adds the culpable mental state of "intentionally" to Title 29-A, section 105, subsection 4 regarding the enforcement of the motor vehicle laws in order to conform it to Title 17-A, sections 15-A regarding issuance of summons for a criminal offense and 17 regarding enforcement of civil actions.

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PUBLIC 677 An Act To Require Law Enforcement Agencies To Adopt Policies LD 891 **Concerning Recording and Preservation of Interviews**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	OTP-AM MAJ	H-880 MILLS J
NORBERT	ONTP MIN	S-405

Public Law 2003, chapter 677 directs the Board of Trustees of the Maine Criminal Justice Academy to set minimum standards for and all law enforcement agencies to formally adopt written policies regarding procedures to deal with the digital, electronic, audio, video or other recording of law enforcement interviews of suspects in serious crimes and the preservation of investigative notes and records in such cases.

PUBLIC 706 An Act To Improve the Operations of the Department of LD 1764 **Corrections and the Safety of State Correctional Facilities**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHETTE	OTP-AM	H-749
HATCH PH		S-576 CATHCART

Public Law 2003, chapter 706 makes a number of changes to the Juvenile Code and corrections laws. Public Law 2003, chapter 706 does the following.

1. It specifies that a bound-over juvenile be detained with adults, instead of juveniles, once the juvenile attains 18 years and 6 months of age.
2. It eliminates an extra court hearing and helps put a juvenile in an appropriate placement more quickly.
3. It clarifies the limitations on juvenile detention and commitment and changes the psychiatric provisions for juvenile detainees to be identical to the ones for committed juveniles.
4. It repeals language directing the attorney representing the State to provide a custodian with a statement showing the length of a person's detention. This provision was inadvertently left in law when the responsibility of providing a custodian with a statement of the length of a person's detention was transferred to sheriffs.
5. It amends detention language to specify that a person may not be detained at or committed to a corrections facility if that person is more appropriately a subject for intensive temporary out-of-home treatment services or for in-home treatment services provided by or through the Department of Behavioral and Developmental Services as agreed upon by the Commissioner of Behavioral and Developmental Services and the Commissioner of Corrections.
6. It directs the Department of Corrections to report the impact of changes to the juvenile detention and commitment laws by March 1, 2005 to the joint standing committee of the Legislature having

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jurisdiction over criminal justice matters. Upon receiving the report, the committee may report out a bill.

7. It moves the crime of violating an interstate compact for adult offender supervision to the Maine Revised Statutes, Title 17-A, while leaving a reference to the crime in the Interstate Compact for Adult Offender Supervision.
8. It changes the fund to which fees received from probationers are deposited to the adult community corrections account. Public Law 2003, chapter 706 requires restitution collected for victims who cannot be located to be forwarded to the Treasurer of State to be handled as unclaimed property. It also clarifies that a person who is discharged from a facility is still liable for restitution ordered and if that person is remanded to another facility, the restitution collected must be used to defray the facility's costs.
9. It establishes the state council required under the Interstate Compact for Adult Offender Supervision and the Interstate Compact for Juveniles, designates the compact administrators and repeals the obsolete Interstate Compact for Out-of-State Parolee Supervision.

PUBLIC 707 An Act To Implement the Recommendations of the Commission To LD 1856 Improve the Sentencing, Supervision, Management and Incarceration of Prisoners

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-833 H-976 BLANCHETTE S-571 GAGNON

Public Law 2003, chapter 707 increases from 17 to 23 the membership of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was created pursuant to Public Law 2003, chapter 451. The new members added include a representative of the Maine Chiefs of Police Association; domestic violence and sexual assault victims service providers; the Commissioner of Inland Fisheries and Wildlife; and one senator representing the 2nd-largest political party in the Senate and one representative representing the 2nd-largest political party in the House of Representatives. Legislators may continue to serve on the commission, even if not reelected to serve in the Legislature in November 2004. Public Law 2003, chapter 707 also extends the life of the commission to January 2005, authorizing 4 additional meetings and a final report, including legislation, to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters.

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PUBLIC 711 An Act To Further Implement the Recommendations of the LD 1903
Commission To Improve the Sentencing, Supervision, Management
and Incarceration of Prisoners and the Recommendations of the
Commission To Improve Community Safety and Sex Offender
Accountability

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-860
		H-884 BLANCHETTE
		S-601 CATHCART

Public Law 2003, chapter 711 combines the recommendations of the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners, which was established pursuant to Public Law 2003, chapter 451 and the recommendations of the Commission to Improve Community Safety and Sex Offender Accountability, which was established pursuant to Resolve 2003, chapter 75. Public Law 2003, chapter 711 also incorporates proposed changes to LD 617, "An Act Amending the Time by Which a Sex Offender or Sexually Violent Predator Must Register" and LD 1729, "An Act to Strengthen the Sex Offender Registration and

Public Law 2003, chapter 711 makes the following changes to the laws regarding sentencing, corrections and sex offender registration and notification.

1. It expands the responsibility of the judicial branch's Drug Coordinator to include all criminal diversion programs and changes the title of the position to "Coordinator of Diversion and Rehabilitation Programs."
2. It repeals and replaces the section of law regarding the crime of burglary of a motor vehicle, breaking the crime into a Class C offense if the burglary involves a forcible entry and a Class D offense if there is no force used in entering the vehicle.
3. It amends the section of law regarding the Class C crime of escape by removing from the crime an inmate's failure to appear for work, school or a meeting with the inmate's supervising officer while that inmate is on intensive supervision or supervised community confinement. Failure to do any of these becomes an administrative violation under the Department of Corrections.
4. It creates 2 new sentencing alternatives. Deferred disposition may be used for certain persons who have pled guilty to a Class C, Class D or Class E crime. Administrative release may be used for certain persons who have been convicted of a Class D or Class E crime. The court may convert probation to administrative release and authorize the use of bail for deferred disposition.
5. It restricts the use of probation for Class D and Class E crimes to those crimes involving domestic violence, sex offenses and repeat OUI offenses.
6. It reduces for all crimes, except those involving domestic violence and sex offenses, the length of time a person may be sentenced to probation to 4 years for Class A crimes, 3 years for Class B crimes and 2 years for Class C crimes. Sex offenses and crimes involving domestic violence continue to be eligible for probation not to exceed 6 years for Class A crimes and not to exceed 4 years for Class B crimes and Class C crimes.

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7. It clarifies that, once a period of probation has commenced, the court has authority to terminate that probation at any time.
1. It provides that a person who is entitled to a deduction from that person's sentence for time spent in detention may be given additional detention credit of up to 2 days per month for good behavior during the time spent in detention.
2. Except for persons who commit murder, sex offenses or crimes involving domestic violence, it increases the amount of good behavior good time that may be awarded from 2 to 4 days. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and meritorious good time.
3. Except for persons who commit murder, sex offenses or crimes involving domestic violence, it expands the concept of good time earned for work to include good time earned for education and rehabilitation and increases the amount that may be awarded from 3 to 5 days for prisoners in state facilities participating in community programs. The increase in good time may be applied to persons who commit crimes on or after August 1, 2004. Again, persons convicted of the excepted crimes continue to be eligible for a total of only 5 days of good time per month as allowed under current law. The 5-day total includes a combination of good behavior and meritorious good time. Those eligible for the increases in good time may earn up to a total of 9 days per month.
4. It precludes a court, in setting the appropriate length of a term of imprisonment, from factoring in the potential impact of good time deductions provided under the Maine Revised Statutes, Title 17-A, section 1253, except in cases in which the parties jointly recommend a "time served" sentence or recommend a sentence in which the total term of imprisonment or an unsuspended portion of that term has been calculated to achieve a specific projected release date.
5. It amends language regarding community corrections funds to direct each county to provide documentation verifying to the Department of Corrections that 20% of its funds under the County Jail Prisoner Support and Community Corrections Fund were expended on community corrections in order to receive that 20% of its distribution in the following year. If a county cannot verify the required expenditure, that county's 20% will be distributed to the counties that are in compliance, based on the percentage distribution rate described in Title 34-A, section 1210-A, subsection 3.
6. It gives the Commissioner of Corrections authority to place on supervised community confinement a prisoner with 2 years of incarceration remaining, if that prisoner meets all other eligibility requirements for supervised community confinement. However, the commissioner may not use this expanded authority until the average statewide probation caseload is no more than 90 probationers to one probation officer.
7. It directs the Department of Corrections and the Department of Behavioral and Developmental Services to create a plan of action to address mental illness in the criminal justice system. The departments must report to the Commission to Improve the Sentencing, Supervision, Management and Incarceration of Prisoners by July 1, 2004 and report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters by January 2005.
8. It requests that, by September 30, 2005, the courts, in consultation with the district attorneys, report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters the following: how often the sentencing alternatives of deferred disposition and administrative release were used and an assessment of the effectiveness of these alternatives in ensuring the

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accountability and rehabilitation of offenders, as well as any impact on recidivism rates; the impact of the use of deferred disposition and administrative release on the resources of the courts; the impact of the use of deferred disposition and administrative release on the resources of the district attorneys; and any recommendations regarding how to improve the procedures for imposing and enforcing the sentencing alternatives of deferred disposition and administrative release. It also requires that by February 1, 2005 the Office of Substance Abuse, in consultation with the district attorneys, make a preliminary report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the implementation of the sentencing alternatives.

9. It repeals the chapter dealing with sexual exploitation of minors, Title 17, chapter 93-B and reenacts it as Title 17-A, chapter 12 and corrects cross-references.
10. It raises the classification of sex crimes committed against children who have not attained 12 years of age. Without imposing new minimum mandatory sentences, Public Law 2003, chapter 711 provides courts, when victims are under 12 years of age, with an increased potential range of penalties by raising by one class the following crimes:
 - A. Unlawful sexual contact when the actor is at least 3 years older than the victim, from a Class C crime to a Class B crime, and when the actor is at least 3 years older than the victim and there is penetration, from a Class B crime to a Class A crime;
 - B. Visual sexual aggression against a child, only when the person acts for the purpose of arousing or gratifying sexual desire, from a Class D crime to a Class C crime;
 - C. Sexual misconduct with a child, from a Class D crime to a Class C crime;
 - D. Solicitation of a child by computer to commit a prohibited act, from a Class D crime to a Class C crime;
 - E. Sexual exploitation of a minor, from a Class B crime to a Class A crime;
 - F. Dissemination of sexually explicit materials, from a Class C crime to a Class crime for the first offense and from a Class B crime to a Class A crime for a subsequent offense; and
 - G. Possession of sexually explicit materials, from a Class D crime to a Class C crime and from a Class C crime to a Class B crime for a subsequent offense.
18. It increases the period of probation for persons convicted of sex crimes committed against children who have not attained 12 years of age. Without imposing minimum mandatory sentences, Public Law 2003, chapter 711 provides courts, when victims are under 12 years of age, with an increased potential range of penalties by increasing periods of probation for persons convicted under Title 17-A, chapter 11 or 12 as follows:
 - A. For a person convicted of a Class A crime, a period of probation not to exceed 18 years;
 - B. For a person convicted of a Class B crime, a period of probation not to exceed 12 years; and
 - C. For a person convicted of a Class C crime, a period of probation not to exceed 6 years.

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19. It authorizes the court to sentence a person to probation for life if the person commits gross sexual assault against a person under 12 years of age and that person has a prior conviction for committing gross sexual assault, rape or gross sexual misconduct against a victim who had not attained 12 years of age at the time of the offense. Public Law 2003, chapter 711 also requires the court to attach, as a condition of probation, the requirement that the person participate in counseling or treatment to the satisfaction of the probation officer.
20. It requires the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a Class A crime of gross sexual assault also has a previous conviction for a Class B or Class C crime of unlawful sexual contact, if the State pleads and proves that fact.
21. It requires the court, when exercising its sentencing discretion, to give serious consideration to the fact that a person convicted of a crime under Title 17-A, section 253, subsection 1, paragraph C or Title 17-A, section 282, subsection 1, paragraph C or F committed the crime against a person who had not attained 12 years of age, if the State pleads and proves that fact.
22. It renames "dangerous sexual offender," defined in Title 17-A, section 1252, subsection 4-B, as "repeat sexual assault offender."
23. It changes the names of registration categories in the Sex Offender Registration and Notification Act of 1999, also known as the "SORNA of 1999," from "sexually violent predators" and "sex offenders" to "lifetime registrants" and "10-year registrants," respectively and corrects references in other titles.
24. It moves the 2 Class D unlawful sexual contact offenses that currently require lifetime registration to the 10-year registration category.
25. In the SORNA of 1999 it amends the definition of "domicile" and creates the new definition "residence" for the purpose of better tracking and verifying the location of persons who must register. It amends the definitions of "sex offense" and "sexually violent offense" to more accurately comply with the federal registration guidelines, including adding to the list of registerable offenses the former crime of rape, restoring the former crimes of unlawful sexual contact and solicitation of a child by computer to commit a prohibited act, moving from the definition of "sex offense" to "sexually violent offense" the crimes of unlawful sexual contact that involve penetration and adding newly created offenses. It also specifies that for purposes of registration, criminal restraint and kidnapping committed by a parent are not registerable offenses. Public Law 2003, chapter 711 also adds the following new definitions: "another state," "registrant," "jurisdiction," and "tribe" to be more consistent with federal law.
26. It decreases the time period that registrants must register or update registration information with the State Bureau of Identification from 10 days to 5 and adds the requirement that a registrant must notify the law enforcement agency having jurisdiction where the person must register or update registration information within 24 hours.
27. It authorizes the State to suspend the requirement that a sex offender or sexually violent predator register during any period in which the registrant leaves the State, establishes a domicile in another state and remains physically absent from the State.

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28. It directs the Department of Behavioral and Developmental Services, the Department of Human Services, the Department of Corrections and the Department of Public Safety, in cooperation with the Child Abuse Action Network and the Maine Coalition Against Sexual Assault to:

- A. Identify the subpopulation of potential offenders or young persons at risk of offending because they have been sexually or physically abused or face a significant mental health disability, with recognition of the fact that over 95% of sex offenders are male;
- B. Identify the types of prevention and treatment currently known to work with these young persons;
- C. Coordinate prevention and education efforts with the goal of seeking coordinated services to transition at-risk youth to healthy adulthood; and
- D. Report findings to the joint standing committees of the Legislature having jurisdiction over health and human services matters and criminal justice and public safety matters.

P & S 48

An Act To Provide Funding for Court Security

LD 1186

Sponsor(s)
STRIMLING

Committee Report
RECALLED TO THE
FLOOR PURSUANT
TO JOINT RULE 309

Amendments Adopted
S-592 CATHCART

Private and Special Law, chapter 48 appropriates funds for contractual services to provide security at existing courthouses.

RESOLVE 100

Resolve, To Direct State, County and Local Departments and Agencies To Coordinate a Single-point Referral and Resource Service Related to Drug Issues in Washington County

LD 31

Sponsor(s)
BUNKER
SHOREY

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-624

Resolve 2003, chapter 100 directs the Department of Behavioral and Developmental Services, the Department of Human Services and the Department of Corrections to work in cooperation with county and local service providers, law enforcement and other interested parties to coordinate a single point of contact for persons in

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Washington County to receive information and treatment referral services for all drug-related issues. Resolve 2003, chapter 100 also directs the Department of Behavioral and Developmental Services, Office of Substance Abuse to report progress on developing and implementing a single point of contact for Washington County to the joint standing committee having jurisdiction over criminal justice and public safety matters by January 2005.

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PUBLIC 531 An Act To Authorize Certain School Children To Carry Emergency Medication on Their Persons

LD 1768

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW DOUGLASS	OTP-AM	H-674

Public Law 2003, chapter 531 requires public schools and private schools approved for attendance purposes by the Department of Education to adopt a written local policy allowing students to possess and self-administer asthma inhalers and epinephrine pens in the school. The written local policy must include the following requirements:

1. That the school receives written approval from the student's parent or guardian and the student's primary health care provider before the school authorizes the student to self-administer an asthma inhaler or an epinephrine pen;
2. That the student's parent or guardian provides written verification from the primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine pen in a school; and
3. That the school nurse evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine pen in school.

PUBLIC 533 An Act Regarding Habitual Truants

LD 1082

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLOUGH	OTP-AM MAJ OTP MIN	H-634 H-678 CUMMINGS

Public Law 2003, chapter 533 amends the habitual truancy laws to redefine the roles and responsibilities of school superintendents and school boards in dealing with students who are truant and who are determined to be habitual truants. This law accomplishes the following changes to the habitual truancy statutes:

1. It designates the superintendent or the superintendent's designee as the school official with responsibility for attempting to correct the truancy problem; and it requires that the superintendent or the superintendent's designee shall make informal efforts to correct the truancy problem, including meeting with the student and the student's parents to identify possible causes of the habitual truancy and developing a plan to implement solutions to the problem, together with a range of interventions;
2. It requires school administrators to arrange meeting times that are mutually convenient for the parent and for school personnel; and it also permits school administrators to implement a plan to address the student's habitual truancy if the student or student's parents fail to appear at scheduled meetings;

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3. In attempting to correct the truancy problem informally, it also requires that the student join the student's parents in attending one or more meetings with the student's teacher and school administrators to reinforce the plan developed to correct the truancy or to develop an alternative plan; and it allows school administrators to involve case managers, therapeutic treatment providers and representatives of the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Corrections to participate in the meeting or meetings scheduled to develop or reinforce a plan to implement solutions to the truancy problem;
4. In the event that informal efforts to correct the truancy fail, it requires that the superintendent or the superintendent's designee serve a written notice to the student's parent in hand or by registered mail and further requires that this notice include an outline of the plan developed to address the student's habitual truancy and the steps that have been taken to implement the plan to correct the truancy;
5. It clarifies that the superintendent or the superintendent's designee shall report the facts of a truant child's unlawful absence from school to the school board and the local law enforcement department;
6. It clarifies that the superintendent or the superintendent's designee shall report a truant student to the local law enforcement department after 3 school days after the written notice has been served to the student's parent and the student remains in noncompliance with the compulsory attendance laws; and
7. It establishes that a parent who has control of a child and is primarily responsible for that child may be adjudicated for failing to comply with the habitual truancy laws and may be subject to a civil violation and to a fine of at least \$25.

Note: Public Law 2003, chapter 688, part H, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Public Law 2003, chapter 533 by repealing a cross-reference to a repealed section of law that was inadvertently not addressed in the committee amendment and which resulted in a conflict and inconsistent provision in the compulsory attendance provisions of the education statutes. The compulsory attendance provision that contains this cross-reference relates to the authority of a school board to provide a waiver to a student who has been determined to be a habitual truant and who is 15 years of age or older. Public Law 2003, chapter 688, part H, repeals that cross-reference and removes the conflict and inconsistent compulsory attendance provision.

Public Law 2003 chapter 688, part H, was enacted as an emergency measure effective May 7, 2004.

PUBLIC 545 An Act To Rename the Former Vocational-technical Secondary LD 1649
Education Schools, Now Called Applied Technology Centers and
Regions, Career and Technical Education Centers and Regions

Sponsor(s)
LEDWIN
MITCHELL

Committee Report
OTP-AM

Amendments Adopted
H-685

Public Law 2003, chapter 545 changes the words "applied technology" to "career and technical" throughout the Maine Revised Statutes.

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PUBLIC 617 An Act To Facilitate Summer Employment for Youths

LD 1946

Sponsor(s)
MCGOWAN

Committee Report

Amendments Adopted
H-826 CUMMINGS

Public Law 2003, chapter 617 requires school administrative units to develop and approve plans for a regional school calendar by September 2005. The law also directs the Commissioner of Education to develop major substantive rules to implement these regional school calendars for sending schools and career and technical education programs in the State.

**PUBLIC 676 An Act Regarding the Continued Provision of Free and
Appropriate Public Education for Eligible Children of
Kindergarten Age**

LD 1960

Sponsor(s)

Committee Report
OTP

Amendments Adopted

Public Law 2003, chapter 676 amends applicable statutes and instructs the Department of Human Services and the Department of Education to amend rules to clarify that a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th continues to be eligible for those services should the child's parents decide not to enroll the child in kindergarten until the child reaches 6 years of age. Specifically, the law accomplishes the following:

1. It amends provisions regarding exceptional students and preschool handicapped children to establish the eligibility of a child who is already receiving free, appropriate public education services through the Child Development Services System and who reaches 5 years of age between September 1st and October 15th to continue to receive such services when the child's parent chooses, in accordance with rules adopted by the Commissioner of Education, not to enroll the child in kindergarten until the start of the following school year;
2. It directs the Department of Education and the Department of Human Services to adopt emergency rules and to adopt major substantive rules to implement this Act and requires that provisionally adopted rules be presented for legislative review during the First Regular Session of the 122nd Legislature. It also provides that the emergency rules be effective until the Legislature has completed review of those rules; and
3. It directs the Commissioner of Education to determine the adjustment to the statewide adjustment factor necessary for the amount of state funds that are deappropriated from the General Purpose Aid for Local Schools account in fiscal year 2005-05 to reflect the savings attributable to the delayed entry of eligible 5-year-olds into kindergarten for the 2004-05 school year, and further requires the commissioner to develop and present a plan by December 31, 2004 to ensure greater equity of education opportunities and efficiency in the use of state and federal resources for early childhood education and preschool

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handicapped programs beginning no later than fiscal year 2005-06. The commissioner shall present this plan to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs, and the joint standing committee may introduce legislation regarding this matter during the first regular session of the 122nd Legislature.

PUBLIC 708 An Act To Implement the Recommendations of the Legislative LD 1917
Youth Advisory Council

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-856 S-599 CATHCART

Public Law 2003, chapter 708 implements the recommendations of the Legislative Youth Advisory Council. The law accomplishes the following:

1. It allows for the continued provision of state support for state wards who are still enrolled in postsecondary education programs when they reach 21 years of age by authorizing the Department of Human Services, at its discretion and by agreement with a state ward, to continue providing support for room, board and related education expenses until that state ward reaches 23 years of age;
2. It directs the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education to study and report back to the Legislative Youth Advisory Council on ways to increase participation in school activities by students residing with other than the parent or parents;
3. It directs the Secretary of State and the Department of Human Services to study and report back to the Legislative Youth Advisory Council on barriers that may exist for youth residing in group homes in obtaining driver's licenses and methods to overcome those barriers; and
4. It retains the current funding and staffing responsibilities provided for the Legislative Youth Advisory Council.

P & S 42 An Act To Validate Certain Proceedings Authorizing the Issuance LD 1953
EMERGENCY of Bonds and Notes by the Calais School District

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A SHOREY	OTP	

Private and Special Law 2003, chapter 42 validates a referendum vote on the Calais High School and Calais Elementary School construction and renovation project conducted on June 24, 2003 and authorizes the Calais School District to issue bonds, notes and other evidences of indebtedness in connection with that project. The

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law is needed to cure a legal defect that could prevent the issuance of additional bonds for the project. The warrant for the 2nd referendum vote on the project was posted 6 days before the referendum rather than 7 days before the referendum vote as required by the Maine Revised Statutes.

Private and Special Law 2003, chapter 42 was enacted as an emergency measure effective April 9, 2004.

P & S 45 An Act To Allow Upgrading of Educational Technicians LD 1944 **EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM	S-500

Private and Special Law 2003, chapter 45 extends the time by which school administrative units may request upgrades to higher classifications for persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a school administrative unit.

Private and Special Law 2003, chapter 45 was enacted as an emergency measure effective April 15, 2004.

Note: Public Law 2003, chapter 688, part J, which enacted LD 1916, (An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine), corrects Private and Special Law 2003, chapter 45 by clarifying that this extension of time to request upgrades to higher classifications also pertains to persons employed as teacher assistants or as teacher associates before September 1, 1991 who were otherwise eligible for upgrades under the provision of law enacted by Private and Special Law 1995, chapter 35 but who were not recommended for promotions due to an error on the part of a private school approved by the Department of Education.

Public Law 2003, chapter 688, part J, was enacted as an emergency measure effective May 7, 2004.

RESOLVE 112 Resolve, To Ensure That Emergency Medical Help Is Available to LD 177 **All School Children**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS	OTP-AM	H-723

Resolve 2003, chapter 112 directs the Department of Education, working together with the school nurse consultant, the School Health Advisory Committee and other appropriate organizations, to review the recommendations of the Cardiopulmonary Resuscitation and Automated External Defibrillators for Maine Schools Workgroup and to design a survey of school administrative units and private schools enrolling more than 60% of their students at public expense in the State regarding the extent to which schools have medical

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emergency response plans in place and have developed emergency response teams comprised of school personnel who hold valid certification in cardiopulmonary resuscitation and whose roles include providing an immediate response to a medical emergency, including a medical emergency resulting from sudden cardiac events.

The law also requires the Department of Education to submit a report, including findings and recommended legislation, by November 3, 2004 for consideration by the joint standing committee of the Legislature having jurisdiction over education matters during the First Regular Session of the 122nd Legislature. The law further authorizes the joint standing committee of the Legislature having jurisdiction over education matters to introduce a bill based on the recommendations of the Department of Education report during the First Regular Session of the 122nd Legislature.

RESOLVE 121 EMERGENCY	Resolve, Regarding Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Major Substantive Rule of the Department of Education, State Board of Education	LD 1869
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2003, chapter 121 provides for legislative review of portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a major substantive rule of the Department of Education, State Board of Education.

Resolve 2003, chapter 121 was finally passed as an emergency measure effective April 6, 2004.

RESOLVE 128	Resolve, Regarding Participation in the Federal No Child Left Behind Act of 2001	LD 1716
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM	S-443

Resolve 2003, chapter 128 requires the Department of Education to investigate the costs and benefits of participating in the federal No Child Left Behind Act of 2001. This investigation must focus on the costs and benefits of aligning the federal No Child Left Behind Act of 2001 with Maine's system of learning results and must include a comprehensive analysis of the costs and benefits of participating in the federal No Child Left Behind Act of 2001. The resolve also requires the Department of Education to submit its findings and recommendations from this investigation to the joint standing committee of the Legislature having jurisdiction over education matters by January 15, 2005.

The resolve also prohibits the Department of Education from using state funds to implement the policies mandated by the federal No Child Left Behind Act of 2001 that are not funded by the federal government under the No Child Left Behind Act of 2001, except for state funds necessary to accomplish the following:

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1. The State may accept, administer and distribute federal funds made available to the State under the No Child Left Behind Act of 2001 in accordance with federal law and regulations even if there is a conflict with state statutes and rules;
2. The State may expend state funds for activities that the Department of Education was already conducting consistent with the federal No Child Left Behind Act of 2001, or for activities authorized in the state budgets for fiscal year 2003-04 and fiscal year 2004-05; and
3. The Department of Education may use state funds to conduct the investigation of the costs and benefits of participating in the federal No Child Left Behind Act of 2001 and to submit its report and recommendations to the Legislature as required by this resolve.

RESOLVE 143 Resolve, To Implement the Recommendations of the Commission LD 1915
To Study the Scope and Quality of Citizenship Education

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-800 S-574 GAGNON

Resolve 2003, chapter 143 implements the recommendations of the Commission to Study the Scope and Quality of Citizenship Education. The law accomplishes the following:

1. It directs the Department of Education to consider the recommendations of the commission related to implications for the system of learning results when it reviews the guiding principles, the performance standards and the content indicators of the system of learning results, beginning with the 2003-2004 school year;
2. It directs the Legislative Youth Advisory Council to seek outside funding to conduct a series of statewide public forums on issues important to youth and to invite Legislators from the various regions of the State to these public forums; and further requires the Legislative Youth Advisory Council to report its findings and any conclusions to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters, the Judicial Department and the Task Force on Citizenship Education; and
3. It directs the Department of Education and the State Board of Education to jointly convene a Task Force on Citizenship Education to address the recommendations of the Commission.

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PUBLIC 514 An Act To Refine the Criteria for Issuing a Certificate of Need LD 159
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER DUGAY	OTP-AM	S-363

Public Law 2003, chapter 514 requires applications for certificates of need to be judged in reference to the state health plan, data from the Maine Health Data Organization and other information available to the Commissioner of Human Services. It requires that particular weight be given to information that the proposed health care services are innovations in high quality health care delivery and that the facility proposing the new health services is designed to provide excellent quality health care. It permits the Department of Human Services to approve a nursing facility project if the project has been recommended for conditional approval prior to February 15, 2004, complies with other state rules and federal regulations and the project demonstrates cost-neutrality using savings obtained from the purchase of beds from the Maine Health and Higher Education Facilities Authority and approved by the Department of Human Services. The law directs the Department of Human Services to report to the Joint Standing Committee on Health and Human Services regarding funding nursing facility projects under the Maine Revised Statutes, Title 22, section 334.

Public Law 2003, chapter 514 was enacted as an emergency measure effective on February 11, 2004.

PUBLIC 546 An Act Regarding Standard Contracts for Assisted Living Services LD 1563

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE WESTON	OTP	

Public Law 2003, chapter 546 provides that a contract or agreement for assisted living services must contain the provisions designated as required in the standardized contract adopted by the Department of Human Services by rule pursuant to Public Law 1999, chapter 731, Part BBBB, section 5 and may contain other provisions that do not violate a state law or rule or federal law or regulation.

PUBLIC 548 An Act To Revise the Frequency of Home Health Licensing Surveys LD 1772

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL EDMONDS	OTP	

Public Law 2003, chapter 548 allows home health care providers to be licensed on a biennial basis. It directs the Department of Human Services to adopt rules regarding terms of licenses. The law also repeals an obsolete

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provision of law providing for the staggering of terms of licenses during the 2-year period commencing July 1, 1984.

PUBLIC 561 An Act To Obtain Substance Abuse Services for Youth in Need of LD 611 Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROTUNDO	OTP-AM	S-400

Public Law 2003, chapter 561 amends the definition of "youth in need of services" to include in the definition a child who is abusing alcohol or drugs and is at risk of serious harm as a result. The law requires the Department of Human Services to include in its annual report on youth in need of services information on the number and characteristics of youth who refuse services and to share that information with the Department of Behavioral and Developmental Services, Office of Substance Abuse. The law requires the Office of Substance Abuse to increase training for substance abuse services providers and Youth in Need of Services Program providers in methods to engage reluctant youth; to create incentives for providers to increase recruitment and retention of reluctant adolescent clients; to provide information to help providers increase services for parents of adolescent clients; to conduct outreach and education to help parents of children who are abusing drugs to locate resources; and to report by October 1, 2004 to the Joint Standing Committee on Health and Human Services.

PUBLIC 563 An Act To Provide an Exemption to the Laws Governing Patient LD 1642 Confidentiality Regarding Certain Former Patients of the State Mental Institutions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	H-719

Public Law 2003, chapter 563 provides an exception to the laws governing patient confidentiality to allow the names and date of death of patients who have died at the Augusta Mental Health Institute, Bangor Mental Health Institute and the Riverview Psychiatric Center to be made available to the public. The law requires the Department of Behavioral and Developmental Services to adopt rules to govern the release of information

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regarding patients who have died at the above-named institutions. It also requires the department to notify the public about the release of information and to maintain the confidentiality of information relating to a person whose surviving relatives object to public disclosure.

PUBLIC 564 An Act To Clarify the Requirements of the Behavioral Treatment LD 1739
and Safety Device Review Teams for Persons with Mental
Retardation or Autism

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'BRIEN J	OTP-AM	H-720

Public Law 2003, chapter 564 establishes a review team and requirements for prior approval of a behavioral treatment program involving the use of aversive or severely intrusive techniques for a child under 18 years of age with mental retardation or autism and for prior approval of the use of safety devices for a child under 18 years of age with mental retardation or autism.

PUBLIC 576 An Act To Amend the Membership of the Children's Cabinet LD 1829

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE BRENNAN	OTP	

Public Law 2003, chapter 576 expands the Children's Cabinet to include the Commissioner of Labor and, at the discretion of the Governor, a member of the public appointed by the Governor.

PUBLIC 581 An Act To Improve Awareness of Meningococcal Disease LD 1685

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT PATRICK	OTP-AM	S-418

Public Law 2003, chapter 581 requires each public or private postsecondary educational institution with a residential campus to provide information on meningococcal disease and the meningococcal vaccine to each newly entering student who plans to live on the residential campus. The law requires that the information regarding the disease and vaccine include a statement directing the student to share the information with parents or guardians. The law also requires the joint standing committee of the Legislature having jurisdiction over health and human services matters to review this initiative in 2008 and authorizes the committee to report out legislation following its review.

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PUBLIC 585 An Act To Provide Accurate Vital Records for Adults in Maine LD 1640

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO	OTP-AM	H-739

Public Law 2003, chapter 585 authorizes the State Registrar of Vital Statistics to amend a birth certificate to include identification of a biological parent whose parentage is based on the results of DNA testing. The law specifies that this authorization applies only to the birth certificates of persons 18 years of age or older. The law specifies the following requirements for obtaining an amended birth certificate: notarized written consent of the biological parent and the subject of the birth certificate; notarized DNA testing results; notarized documentation of the chain of custody of the samples used in DNA testing; and DNA testing of a type generally acknowledged as reliable conducted by a laboratory approved by a federally designated accreditation body.

PUBLIC 602 An Act To Clarify Departmental Reporting Requirements for LD 1940
Developmental Disability Prevention Activities

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Public Law 2003, chapter 602, implements the recommendations of the Maine Developmental Disabilities Council regarding prevention of developmental disabilities. The law amends the reporting requirements for the Department of Human Services, the Department of Behavioral and Developmental Services and the Department of Education relating to the prevention of developmental disabilities and clarifies the scope of the annual report. The law enacts definitions of developmental disabilities and mental and physical impairments for the purposes of reporting requirements, and it prohibits the definitions and reporting requirements from expanding or otherwise affecting the requirements of the Department of Behavioral and Developmental Services to provide services to children and families.

PUBLIC 611 An Act To Amend the Medicaid Drug Rebate Program and the LD 1747
Elderly Low-cost Drug Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	H-778

Public Law 2003, chapter 611 makes changes to the Medicaid drug rebate program and to the elderly low-cost drug program to clarify the out-of-pocket cost to participating members and adds \$2 to the recipient's copayment in the catastrophic program.

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PUBLIC 612 **An Act To Amend the Rule-making Authority of the Department of LD 1748**
EMERGENCY **Human Services to Ensure Cost-effective Operation of State**
 Medical Services Programs and Compliance with Federal
 Requirements

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-777

Public Law 2003, chapter 612 provides authority for 2 bureaus in the Department of Human Services, the Bureau of Medical Services and the Bureau of Family Independence, to adopt rules having retroactive application in certain specific circumstances for a period up to 8 calendar quarters. The Bureau of Medical Services may do so to maximize available federal revenue sources through the federal Medicaid program or to conform to the state Medicaid plan. Both bureaus may make retroactive rules regarding the MaineCare, Temporary Assistance for Needy Families and food stamp programs to comply with federal regulations and to conform to the state plan as filed with the Federal Government. The rules may not reduce or otherwise negatively affect reimbursement or other payments to providers that they are entitled to receive under previously applicable rules. Reimbursement or payment under the new rules must be equal to or greater than reimbursement under the old rules. The rules may not reduce or otherwise negatively affect reimbursement or other payments, benefits or services that beneficiaries are entitled to have covered or paid under the old rules. Reimbursement or other payments, benefits or services under the amended rules must be equal to or greater than under the prior rules. The law requires legislative approval for retroactive application of any rule that has an adverse financial impact on any MaineCare provider or member, Temporary Assistance for Needy Families program or food stamp recipient or beneficiary or recipient of any other program administered by the department. The law designates the rules as routine technical rules unless the underlying statutory authority for the rule already designates the rule as a major substantive rule. The law requires the department to report on implementation and the effect of implementation by January 15, 2005 and 2006. Under the law, the authority to adopt rules having a retroactive application is repealed on July 1, 2006.

Public Law 2003, chapter 612 was enacted as an emergency measure effective April 9, 2004.

PUBLIC 613 **An Act To Ensure Compliance with Federal Medicaid** **LD 1695**
 Requirements

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT CRAVEN	OTP-AM	S-433

Public Law 2003, chapter 613 clarifies that for purposes of recovering overpayments to providers under the MaineCare program, overpayments do not include overestimates made as part of prospective interim payments, 3rd-party liability recovery, departmental administrative error or receivership fees or debt. The law also clarifies that if the Department of Human Services proves that records of goods or services are defective, it may impose a penalty or sanction, which may include total recoupment. The law defines "overpayment" and adds an exclusion for certain routine adjustments of \$2,500 or less. The law clarifies the use of existing and available records, limits the application of total recoupment and limits proof that services or goods were actually provided to situations in which the provider has proven by a preponderance of the evidence that the goods or

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services were medically necessary, MaineCare-covered goods or services. The law corrects an error in current law that pertains to the Department of Human Services' terminating or suspending the participation of a provider in the MaineCare program.

PUBLIC 621 An Act To Strengthen the Maine Certificate of Need Act of 2002 LD 584

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	OTP-AM	H-816

Public Law 2003, chapter 621 extends the exemption from certificate of need applicable to critical access hospitals converting swing beds to hospitals in the process of becoming critical access hospitals and clarifies that the exemption applies to licensed acute care beds.

PUBLIC 623 An Act To Prohibit the Sale of Water Containing Nicotine LD 1631

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM MAJ	S-436
KOFFMAN	OTP-AM MIN	

Public Law 2003, chapter 623 prohibits selling, furnishing or giving away nicotine water, which is water with added nicotine or an alkaloid of nicotine. It specifies fines of \$500 for a first offense, \$1,000 for a second offense and \$5,000 for a third or subsequent offense.

PUBLIC 626 An Act To Ensure Appropriate Care and Custody of Children LD 1706

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM	S-466
CRAVEN		

Public Law 2003, chapter 626 authorizes the Department of Human Services to provide short-term emergency services to children in the event of certain homicides and requires the department to perform emergency assessments for temporary placements in those situations. The law directs the Office of the Attorney General to develop protocols for law enforcement for notification to the Department of Human Services, Bureau of Child and Family Services. The law directs the Department of Public Safety to develop a plan for providing criminal history record information and protection from abuse order information to the bureau when the bureau is performing an emergency assessment under the Maine Revised Statutes, Title 22, section 4023, subsection 8.

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PUBLIC 634 An Act To Improve Quality and Safety in Long-term Care LD 1753

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS	OTP-AM	H-817

Public Law 2003, chapter 634 requires personal care agencies, home health care providers and adult day care programs to obtain criminal history record information about applicants for positions as unlicensed assistive personnel and prohibits these entities from hiring individuals who have worked as certified nursing assistants and have been the subject of a complaint of abuse, neglect or misappropriation of property that has been substantiated by the state survey agency or who have been convicted of certain crimes. It prohibits licensed assisted housing programs from hiring as unlicensed assistive personnel persons who are prohibited from employment as certified nursing assistants under the Maine Revised Statutes, Title 22, section 1812-G, subsections 6 and 7. It provides penalties for a personal care agency that violates the employment requirements contained in the amendment. The law makes 3 corrections to long-term care facility law to update language on assisted living programs and residential care facilities. It directs the Long-term Care Oversight Committee to report by March 1, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding conducting criminal history record checks for direct care workers and the establishment of a registry.

PUBLIC 649 An Act to Require that Patients in Private Mental Hospitals Be LD 156
EMERGENCY Afforded the Same Rights As Patients in State Mental Institutions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT R	OTP-AM	S-482

Public Law 2003, chapter 649, requires the Commissioner of Human Services to adopt routine technical rules by August 1, 2004 to protect the rights of adult patients receiving mental health services in hospitals that are nonstate mental health institutions and are not subject to the grievance procedures of the Department of Behavioral and Developmental Services. It requires the Commissioner to hold a public hearing before adopting the rules. The law also requires that the rights protected under the rules be consistent with the rights of recipients of mental health services that are applicable in other settings, including the same opportunity for hearing and type of hearing that is provided under Department of Behavioral and Developmental Services rules. The law provides for delegation of authority for hearing grievances from the Department of Human Services to the Department of Behavioral and Developmental Services and designates the decision of the Department of Behavioral and Developmental Services as final agency action for purposes of appeal to court.

Public Law 2003, chapter 649 was enacted as an emergency measure effective April 22, 2004.

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PUBLIC 659 An Act To Strengthen the Enforcement Provisions of the Maine Health Data Organization LD 1884

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ	S-475
EARLE	ONTP MIN	

Public Law 2003, chapter 659 strengthens the enforcement provisions of the Maine Health Data Organization statutes that are outdated or inconsistent with other sections of the Maine Revised Statutes, Title 22, chapter 1683. The law provides that persons who intentionally or knowingly engage in the unauthorized misuse of individually identifiable health information or data obtained from the organization are subject to civil fines up to \$250,000, an amount that is consistent with the provisions of the federal Health Insurance Portability and Accountability Act of 1996 for the knowing wrongful disclosure of individually identifiable health information. The law allows the organization to refer failures to comply with the requirements of the chapter to the appropriate department or licensing board or to the Department of Professional and Financial Regulation, Bureau of Insurance or to file a complaint in Superior Court. The amendment allows the Attorney General to pursue injunctions or other appropriate remedies for violations of the chapter.

PUBLIC 667 An Act To Ensure Disclosure of Prescription Drug Prices LD 1890

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-496
LEMOINE	ONTP MIN	

Public Law 2003, chapter 667 requires that drug manufacturers of prescription drugs dispensed in the State under a health program directed or administered by the State report and certify to the Department of Human Services, for each of their drugs, the actual average wholesale price, the wholesale acquisition cost, the average manufacturer price and the best price as defined by federal law.

The law contains confidentiality language that prohibits disclosure of information by the department, with exceptions for certain court-related situations. The law provides for enforcement under the Maine Unfair Trade Practices Act. The law prohibits the use of General Fund funds. The law contains an effective date that is 30 days after the Commissioner of Human Services receives notice from the Attorney General that funds are available for the implementation of these provisions, except that the provisions may not take effect before January 1, 2005.

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PUBLIC 679 An Act To Encourage the Proper Disposal of Unused Pharmaceuticals

LD 1826

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROMLEY	OTP-AM MAJ	S-474
LEMOINE	ONTP MIN	S-506 BRENNAN

Public Law 2003, chapter 679 creates the Unused Pharmaceutical Disposal Program, administered by the Maine Drug Enforcement Agency, to provide for the safe, effective and proper disposal of unused or expired prescription drugs. The program involves the use of prepaid mailers to be made available and used by the public to mail unused or expired prescription drugs to a single collection location. The drugs received may be handled only by agency officers and must be disposed of in a manner that ensures the safety of the public and the environment. The director of the Maine Drug Enforcement Agency is authorized to accept funding from private sources to carry out the purposes of the program. The law prohibits the use of public funding for the program or for the Maine Drug Return Implementation Group.

The law allows the Maine Drug Enforcement Agency to randomly assess materials received under the program. The law deems return of pharmaceuticals under the program to be for law enforcement purposes. The law establishes the Maine Drug Return Implementation Group to study and make recommendations on implementation of the program and provides for membership of the implementation group. The law authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to report out legislation to the First Regular Session of the 122nd Legislature. The law takes effect on July 1, 2005.

PUBLIC 684 An Act To Make Principles of Reimbursement for Intermediate LD 1681 Care Facilities for the Mentally Retarded Major Substantive Rules

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM A	H-811 KANE
DUDLEY	OTP-AM B	S-434
	ONTP C	

Public Law 2003, chapter 684 designates MaineCare rules regarding principles of reimbursement for intermediate care facilities for persons with mental retardation as major substantive rules.

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PUBLIC 689 An Act To Establish the Department of Health and Human Services LD 1913
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE MARTIN	OTP-AM	H-890

Public Law 2003, chapter 689 reorganizes the delivery of services to adults, children and families by the Department of Human Services and the Department of Behavioral and Developmental Services, establishing the new Department of Health and Human Services. The goals of the reorganization are to improve services, increase programs and fiscal efficiency and improve relations with consumers and community organizations.

1. The law establishes the Department of Health and Human Services. The department assumes the duties of the current Department of Human Services and the Department of Behavioral and Developmental Services.
2. The law contains a statement of mission for the department and the programs and services provided by the department and adds guiding principles for the department, drawing those principles from the "Report of the Advisory Council for the Reorganization and Unification of the Department of Human Services and the Department of Behavioral and Developmental Services."
3. The law sets forth qualification requirements for bureau directors and delays the adoption of a bureau structure until one is approved by the Legislature.
4. The law contains provisions for the orderly transition from the Department of Human Services and the Department of Behavioral and Developmental Services to the new Department of Health and Human Services.
5. The law transfers the Commissioner of Human Services to the position of Commissioner of Health and Human Services without need of appointment or confirmation and adds a statement of legislative intent to this provision.
6. The law contains a provision regarding the rights of employees of the new department who were employees of the Department of Human Services and the Department of Behavioral and Developmental Services.
7. The law requires the commissioner to consolidate certain administrative components of the Department of Health and Human Services, including auditing, financial management, human resources and information technology.
8. The law requires the Commissioner of Health and Human Services to consolidate adult protective functions, but delays the consolidation of guardianship and conservatorship functions.
9. The law requires the Commissioner of Health and Human Services to submit a report with recommendations and legislation by January 31, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It requires the report to include recommendations on the following issues related to the establishment and implementation of

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the new department: bureau structure, administrative structure and functions, program and service delivery functions, advisory boards and the child welfare ombudsman program. The law requires the commissioner to convene working groups of consumers, providers, advocates and members of the public to advise the commissioner on these issues. The law authorizes the committee to report out legislation to the 122nd Legislature following review of the commissioner's report and recommendations.

10. The law requires the Commissioner of Health and Human Services to review and report on the delivery of child development services and juvenile justice services.
11. The law provides for interpretation of conflicting laws and rules by the Commissioner of Health and Human Services and adoption of rules to settle those conflicts.
12. The law requires the joint standing committee of the Legislature having jurisdiction over health and human services matters and the Commissioner of Health and Human Services to agree on a format and organization of the Maine Revised Statutes, Title 22-A by November 30, 2005 and submit necessary legislation by November 30, 2006.
13. The law authorizes the joint standing committee of the Legislature having jurisdiction over health and human services matters to meet at least 3 times during the 2004 legislative interim to review planning and implementation issues and authorizes the committee to report out legislation to the First Regular Session of the 122nd Legislature.
14. The law establishes salary ranges for the Commissioner of Health and Human Services and the Director of the Bureau of Medical Services within the Department of Human Services.

Public Law 2003, chapter 689 was enacted as an emergency measure effective July 1, 2004.

RESOLVE 107 Resolve, To Allow MaineCare Reimbursement for Licensed LD 175
Marriage and Family Therapists To Provide Services to Child
Protective Services Clients and Adult Protective Services Clients

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM	H-675
BRYANT		

Resolve 2003, chapter 107 requires the Department of Human Services to amend its MaineCare rules to allow licensed marriage and family therapists to provide assessment, counseling and therapeutic services to children or adults referred by the Bureau of Child and Family Services or the Bureau of Elder and Adult Services. The resolve requires the Department of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 31, 2005 regarding the implementation and initial impact of this rule change.

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RESOLVE 109 Resolve, Directing the Department of Human Services To Adopt LD 1341
EMERGENCY Rules To Reduce Regulatory Burdens on Home Health Agencies
while Maintaining Budget Neutrality

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-695
EDMONDS		

Resolve 2003, chapter 109 directs the Department of Human Services to adopt rules regarding medical assessment for home health care services under Rule Chapter 101, the MaineCare Benefits Manual, Ch. II – Section 40. The rules may move the initial assessment period from no less than 60 days to no more than 120 days. The resulting rule must be cost neutral. The law requires a report by April 1, 2005 to the Health and Human Services Committee.

Resolve 2003, chapter 109 was finally passed as an emergency measure effective March 10, 2004.

RESOLVE 113 Resolve, To Promote Recruitment and Retention of Direct Care LD 1090
Workers in Long-term Care in Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	H-743 KANE
LAVERRIERE-BOUC		S-402

Resolve 2003, chapter 113 requires continuing work on the recruitment and retention of direct care workers and provides for a report by January 15, 2005 to the joint standing committee of the Legislature having jurisdiction over health and human services matters. It authorizes the joint standing committee to report legislation to the First Regular Session of the 122nd Legislature.

RESOLVE 116 Resolve, To Establish a Committee To Examine Issues Relating to LD 1066
the Administration of Municipal General Assistance

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM	H-738
BRENNAN		

Resolve 2003, chapter 116 requires the Department of Human Services to convene a general assistance committee composed of persons interested in the administration of municipal general assistance. The resolve directs the committee to make policy recommendations regarding general assistance and to report its final recommendations to the joint standing committee of the Legislature having jurisdiction over human services matters by January 15, 2006. The resolve also authorizes the joint standing committee to report out legislation to the Second Regular Session of the 122nd Legislature based on the report of the general assistance committee.

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RESOLVE 118 Resolve, To Improve the Quality of Health Care

LD 616

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON	OTP-AM MAJ	S-427
RICHARDSON J	ONTP MIN	

Resolve 2003, chapter 118 directs the Maine Quality Forum Advisory Council to review direct-care registered nurse staffing levels in general, acute and specialty care hospitals, the issue of minimum staffing ratios for direct-care registered nurses in hospitals and the rules of the Department of Human Services on direct-care registered nurse staffing. The council is directed to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on its review under this section and any recommendations from the council by January 15, 2005.

RESOLVE 134 Resolve, Regarding Legislative Review of Portions of Chapter 16: LD 1830 Foster Home Licensing Rule Regarding Smoking by Foster Parents, a Major Substantive Rule of the Department of Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-798
		S-493 BRENNAN

Resolve 2003, chapter 134 completes the legislative review of portions of Chapter 16: Foster Home Licensing Rule Regarding Smoking by Foster Parents, a major substantive rule of the Department of Human Services.

This resolve changes the 24-hour time periods in the proposed rule to 12-hour time periods and removes the emergency preamble and clause.

RESOLVE 135 Resolve, Regarding Legislative Review of Chapter 101: MaineCare LD 1867 EMERGENCY Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a Major Substantive Rule of the Department of Human Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-882

Resolve 2003, chapter 135 completes the legislative review of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97, Private Non-medical Institution Services, a major substantive rule of the Department of Human Services.

This resolve approves the major substantive rules submitted regarding MaineCare rates for private nonmedical institutions provided those rules are amended to use a 25-cent per resident per day rate reduction in the facility-

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specific routine component of the room-and-board portion of the payment in place of the reduced reimbursement, based on application of a bed-hold day decrease, that had been proposed. The resolve requires wording used to refer to reimbursement related to foreign exchange fellows of professional exchange programs for social workers to be changed: "stipend" is changed to "contract fee."

The resolve requires the Department of Human Services to adopt emergency rules to implement the rules as approved by the Legislature.

Resolve 2003, chapter 116 was enacted as an emergency measure effective April 22, 2004.

Insurance and Financial Services

PUBLIC 517 **An Act To Ensure Women's Health Care Coverage for All Maine** **LD 1353**
EMERGENCY **Women**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS	OTP-AM	H-648

Public Law 2003, chapter 517 extends the application of certain mandated health insurance benefits to Maine residents covered by certificates that are issued by an out-of-state group health plan. These mandated benefits are coverage for newborns from the moment of birth, coverage for screening Pap tests, coverage for a self-referred annual gynecological exam and coverage for diabetic equipment and supplies. The law applies to all policies, contracts and certificates issued or renewed on or after July 1, 2004.

Public Law 2003, chapter 517 also clarifies the application of currently mandated benefits to certificates.

Public Law 2003, chapter 517 was enacted as an emergency measure effective February 19, 2004.

PUBLIC 528 **An Act To Clarify Membership on Boards of Directors for Maine** **LD 1717**
EMERGENCY **Financial Institutions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO PINGREE	OTP-AM	S-376

Public Law 2003, chapter 528 makes requirements for membership on boards of directors of Maine financial institutions consistent with membership requirements in the Maine Business Corporation Act. The law removes the requirement that a member of the board of directors of a financial institution be a resident of the financial institution's geographic area. The law also clarifies that boards of financial institutions must be managed and operated as permitted under chapter 8 of the Maine Business Corporation Act.

Public Law 2003, chapter 528 was enacted as an emergency measure effective March 3, 2004.

PUBLIC 543 **An Act To Amend the Maine Consumer Credit Code Regarding** **LD 1638**
EMERGENCY **Balloon Payments**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	H-706 O'NEIL S-378

Public Law 2003, chapter 543 clarifies that a motor vehicle lease or loan is not subject to the 4-year minimum term for consumer credit transactions with balloon payments if the lease or loan gives consumers the right to refinance the final payment or transfer the motor vehicle back to the creditor in lieu of the final payment.

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Public Law 2003, chapter 543 was enacted as an emergency measure effective March 10, 2004.

PUBLIC 568 **An Act To Permit the Photocopying of Driver's Licenses in** **LD 1802**
EMERGENCY **Financial Transactions**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES	OTP-AM MAJ	H-683
DAVIS P	OTP-AM MIN	

Public Law 2003, chapter 568 authorizes a person to make a photocopy of a driver's license without the written consent of the Secretary of State if the photocopy is made solely for identification purposes to consummate a financial transaction, for verification that a commercial driver's license has been issued or for motor vehicle loaner and demonstration purposes. The law also restricts the further disclosure of the photocopy unless permitted by another applicable law.

Public Law 2003, chapter 568 was enacted as an emergency measure effective March 24, 2004.

PUBLIC 586 **An Act To Conform to Federal Law Regarding Electronically** **LD 1854**
EMERGENCY **Printed Credit and Debit Card Receipts and To Delay Enforcement**
 of Civil Penalties

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-420
O'BRIEN J		

Public Law 2003, chapter 586 brings current law into conformity with recent changes made to the federal Fair Credit Reporting Act regarding the prohibition on printing more than the last 5 numbers of a credit card or debit card and on printing the account's expiration date. The law also delays any assessment of civil penalties for a person who is not in compliance with the law until January 1, 2005.

Public Law 2003, chapter 586 was enacted as an emergency measure effective March 30, 2004.

PUBLIC 636 **An Act To Govern and Regulate Life Settlements** **LD 1907**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL	OTP-AM	H-796
MAYO		H-849 O'NEIL

Maine law currently permits the use of viatical settlements but does not permit life settlements. While both settlements involve the sale of a life insurance policy or certificate for consideration, viatical settlements may be entered into only when the insured is either chronically or terminally ill, whereas, under a life settlement contract, these criteria need not be present. Public Law 2003, chapter 636 amends Maine's current law on viatical

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settlement contracts to expressly permit life settlement contracts in accordance with requirements similar to those applicable to viatical settlements. The law also makes other statutory changes that are

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consistent with the most recently adopted National Association of Insurance Commissioners Viatical Settlements Model Act.

PUBLIC 654 An Act To Implement the Recommendations of the Committee To LD 1910
Study the Revenue Sources of the Office of Consumer Credit
Regulation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-488

Public Law 2003, chapter 654 requires the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation to reduce the volume fee for mortgage lenders by \$5 per \$100,000 of debt for the current year if the surplus in the dedicated fund balance for the Office of Consumer Credit Regulation as of October 1st of the preceding calendar year exceeds 125% of the office's annual budget for operating expenses.

The law also directs the Office of Consumer Credit Regulation to review its licensing and registration fees and make recommendations to the Legislature by January 5, 2005 as to how to assess those fees in an equitable manner.

PUBLIC 671 An Act To Amend the Laws Relating to Property and Casualty LD 1853
Insurance and To Authorize the Superintendent of Insurance To
Establish a Mandatory Market Assistance Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM	H-908 O'NEIL
PERRY A		S-489

Public Law 2003, chapter 671 amends the laws relating to property and casualty insurance.

Part A of the law does the following.

1. It requires the Superintendent of Insurance to act on property and casualty insurance rate filings made electronically within 30 days and to approve or disapprove policy form filings made electronically within 30 days for lines of insurance other than life or health insurance or annuity products.
2. It clarifies the current law that permits the cancellation of homeowner's insurance on the basis of fraud or material misrepresentation by the named insured or the insured's representative.
3. It adds new grounds for the cancellation of homeowner's insurance, including the presence of a trampoline, the presence of a swimming pool not properly fenced in, a loss occasioned by a dog bite and the fact that a property is vacant without adequate custodial care.

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4. It requires insurers to provide at least 90 days' notice to the named insured to comply with reasonable loss control recommendations before a cancellation notice or notice of nonremoval may be issued.
5. It amends the hearing section of the Maine Property Insurance Cancellation and Control Act to clarify legislative intent that a reason for nonrenewal must be related to the insurability of the property. The law strikes the word "rationally" in response to a recent Law Court decision, *York Ins. Co. of Maine, Inc. v. Supt. of Ins.*, 2004 ME 45 (April 7, 2004) to clarify the appropriate standard to apply in determining whether an insurance company's decision to nonrenew a homeowners insurance is a good faith reason and related to the insurability of the property if the reason for nonrenewal is not a statutorily permissible ground for cancellation. The law also clarifies that a statement from the insurer that a risk does not meet the insurer's underwriting guidelines alone is not considered proof or evidence of its reason for nonrenewal in a hearing before the Superintendent of Insurance.
6. It prohibits an insurer from canceling or refusing to issue or renew a property insurance policy solely on the basis of the age of a dwelling.
7. It prohibits an insurer from declining to insure a property on the basis that a previous owner of the property submitted claims for losses to the property.
8. It prohibits insurers from increasing the stated value of a property at any time other than renewal. At least 30 days before the renewal date of the policy, the law requires that insurers provide notice to the insured explaining the reason for any increase in premium associated with an increase in stated value and disclose how an insured may obtain additional information concerning the reasons for the increase in stated value.
9. It makes technical changes to the laws governing worker's compensation group self-insurance reinsurance accounts related to the legal and tax status of the account.

Part B of Public Law 2003, chapter 671 the law authorizes the Superintendent of Insurance to establish a mandatory property and casualty insurance market assistance program to provide basic property and casualty insurance to underserved areas or risk types in the State. Prior to establishing the program, the Superintendent must establish a voluntary market assistance plan pursuant to law and find that either the number of insurers participating in the voluntary market assistance plan is insufficient or that a sufficient number of risks has not been written through the voluntary market assistance plan. If a mandatory program is established, any insurer authorized and actually writing basic property and casualty insurance in the State must participate as a member of the program.

PUBLIC 680 An Act To Join the Interstate Insurance Product Regulation Compact LD 1698

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-389
O'NEIL		S-565 CATHCART

Public Law 2003, chapter 680 authorizes the State of Maine's membership in the Multi-state Insurance Product Regulation Compact. The law establishes the Compact to facilitate the regulation of individual and group annuity, life, disability income and long-term care insurance products. Under the Compact, the compacting states

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will establish a joint public agency, the Interstate Insurance Product Regulation Commission, to develop uniform standards for insurance products and to provide a single-point entry for filing of insurance products and rates.

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RESOLVE 120 **Resolve, Regarding Legislative Review of Portions of Chapter 850: LD 1859**
EMERGENCY **Health Plan Accountability, a Major Substantive Rule of the Bureau**
 of Insurance

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

Resolve 2003, chapter 120 authorizes final adoption of portions of Chapter 850: Health Plan Accountability, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

Resolve 2003, chapter 120 was enacted as an emergency measure effective April 6, 2004.

RESOLVE 131 **Resolve, Regarding Legislative Review of Chapter 755: Health** **LD 1865**
EMERGENCY **Insurance Classifications, Disclosure and Minimum Standards, a**
 Major Substantive Rule of the Department of Professional and
 Financial Regulation, Bureau of Insurance

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-797

Resolve 2003, chapter 131 provides for legislative approval of Chapter 755: Health Insurance Classifications, Disclosure and Minimum Standards, a major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance.

The resolve authorizes final adoption of the rule provided that these specified changes are made.

1. With regard to the definition of preexisting condition exclusion, the look-back period is changed from 12 months to 24 months.
2. With regard to prohibited policy provisions, language is added to clarify that the section is not intended to restrict the use of elimination periods for disability income benefits.
3. With regard to minimum standards for health insurance benefits generally, language is added to permit an insurer to void or contest a policy or deny claims for a sickness first manifested before the effective date of the policy that was fraudulently not disclosed or fraudulently misrepresented in an application for coverage.
4. With regard to minimum standards for health insurance benefits generally, the maximum time period between the date of an accident and the date of loss is shortened from 180 days to 90 days for accidental death and dismemberment benefits and from 90 days to 30 days for disability coverage.
5. With regard to minimum standards for individual disability income protection coverage, the maximum elimination period is changed from 365 days to 730 days in cases of coverage having a benefit period of more than 2 years, and the shortest permissible maximum benefit period is changed from 6 months to 3 months.

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6. With regard to specified disease coverage, language is added to provide an exception for lump-sum benefits based on diagnosis of a specified disease.
7. With regard to specified disease coverage, language is added to permit the Superintendent of Insurance to approve different minimum benefits for cancer coverage on an expense-incurred basis or a per diem indemnity basis if the superintendent determines that the minimum benefits are in the interest of the consumer.

Resolve 2003, chapter 131 was enacted as an emergency measure effective April 14, 2004.

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PUBLIC 511 An Act Regarding the Presumption of Violations of the Hunting-on- LD 408 Sunday Prohibition

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON KNEELAND	OTP-AM	H-625

Public Law 2003, chapter 511 repeals the provision of the law that makes possessing hunting equipment in a motor vehicle on an unpaved highway or road located in an unorganized township on Sunday prima facie evidence of a violation of the Sunday-hunting laws. Public Law 2003, chapter 511 also repeals the provision of the law that makes possessing a loaded firearm on or near a public paved way or within the right-of-way of a controlled access highway prima facie evidence of hunting.

PUBLIC 527 An Act To Clarify the Law Pertaining to the Discharge of a Firearm LD 1660 near a Dwelling

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN HALL	OTP-AM	H-679

Public Law 2003, chapter 527 prohibits a person from discharging a firearm within 100 yards of a farm building used for sheltering livestock, machines or harvested crops.

PUBLIC 552 An Act To Clarify Certain Provisions Contained in the Recodified LD 1697 Hunting, Fishing and Trapping Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT DUNLAP	OTP-AM	H-729 DUNLAP S-388

Public Law 2003, chapter 552 clarifies certain parts of the recently recodified Maine Revised Statutes, Title 12 as follows:

1. It defines “dipnet;”
2. It clarifies that a person may not hunt wild turkey after having killed or registered one during an open turkey season of that calendar year;
3. It makes hunting or possessing a wild turkey without a valid permit a Class E crime with a minimum fine of \$500 plus \$500 for each turkey possessed in violation of this prohibition;

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4. It authorizes the Commissioner of Inland Fisheries and Wildlife to establish legal hunting times for wild turkey by rule;
5. It makes the penalty for a closed season violation involving a bear or moose the same as a closed season violation involving deer;
6. It makes the penalty for violating the prohibition against hunting or trapping a bear after having killed one or exceeding the bag limit on bear the same as the penalty for other big game animals;
7. It clarifies that a person may not possess more than one deer in a calendar year or hunt a deer after having killed one in the same calendar year unless otherwise provided in law or rule;
8. It prohibits a person from hunting moose after that person has killed or registered one during the open season of the same calendar year and makes a violation of that provision a Class D crime;
9. It restructures the provisions regarding the illegal possession or hunting of wild turkey to accord with similar big game provisions;
10. It changes the penalty for possessing a wild turkey in violation of a rule from a Class E crime with a mandatory fine of not less than \$500 plus \$500 for each turkey unlawfully possessed to a straight Class E crime;
11. It clarifies current law that a person may keep more than one legally obtained bear, deer or wild turkey in that person's home at any time;
12. It reduces the penalty for certain moose hunting violations regarding permittees and subpermittees from a Class D crime to a Class E crime; and
13. It repeals certain provisions of the recodified Maine Revised Statutes, Title 12 to reflect changes enacted in Public Law 2003, chapter 655.

PUBLIC 587 An Act To Remove the Designation of the Lake Christopher LD 1842
Wildlife Management Area as a Wildlife Management Area

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP	
GAGNE-FRIEL		

Public Law 2003, chapter 587 removes the Lake Christopher wildlife management area from the list of areas that are classified as wildlife management areas.

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PUBLIC 592 An Act To Strengthen the Prohibition against Night Hunting LD 1662

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-692
BRYANT		H-762 DUNLAP

Public Law 2003, chapter 592 does the following:

1. It provides that a person who is guilty of night hunting and is in possession of night vision equipment commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended. The court must also impose a fine of not less than \$2,000, none of which may be suspended. It also provides that a person who is guilty of night hunting, is in possession of night vision equipment and has been convicted of a Class D crime within the past 10 years under the fish and wildlife laws commits a Class D crime for which the court shall impose a sentencing alternative of not less than 6 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court must also impose a fine of not less than \$2,000, none of which may be suspended;
2. It requires the hunting license of a person who is convicted of night hunting and found to have been in possession of night vision equipment at the time of the offense be revoked, and that person is ineligible to obtain a hunting license for a period of 5 years from the date of conviction;
3. It exempts night vision equipment seized in connection with a night hunting violation from libel proceedings;
4. It clarifies that the current exemption from libel proceedings for fishing equipment seized in connection with certain fishing violations does not include motorboats or motor vehicles;
5. It incorporates changes made by Public Law 2003, chapter 333 in order to incorporate those changes into the new Maine Revised Statutes, Title 12, Part 13; and
6. It clarifies that raccoons may be hunted at night during the open season.

PUBLIC 614 An Act To Make Technical Corrections to Maine's Fish and LD 1743
EMERGENCY Wildlife Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM	H-781
BRYANT		H-834 DUNLAP
		S-464 BRYANT

Public Law 2003, chapter 614 makes the following changes to the laws governing inland fisheries and wildlife:

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1. It restricts the muzzle-loading open season on deer to hunting with a muzzle-loading firearm that is 40 caliber or greater and capable of firing only a single charge;
2. It repeals the provision that authorizes hunting deer with unconventional weapons;
3. It clarifies that a new lake and river protection sticker must be obtained annually in order to be valid;
4. It prohibits the operation of motor vehicles on Pickerel Pond located in Township 32 Middle Division except for authorized emergency vehicles and motor vehicles of the Department of Inland Fisheries and Wildlife;
5. It permits the sale of baitfish in containers composed in whole or in part of polystyrene foam plastic;
6. It changes the effective date for Public Law 2003, chapter 414 from 90 days after adjournment of the Second Regular Session of the 121st Legislature to August 31, 2004;
7. It provides that social security numbers in the possession of the Department of Inland Fisheries and Wildlife are not public records; and
8. It makes Public Law 2003, chapter 511 effective on August 31, 2004.

Public Law 2003, chapter 614 was enacted as an emergency measure effective April 12, 2004.

PUBLIC 655 An Act To Revise the Fish and Wildlife Laws To Complement the LD 1920 Recodification of Those Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-858 H-915 DUNLAP

Public Law 2003, chapter 655 complements the Recodification of the laws relating to the Department of Inland Fisheries and Wildlife accomplished in the First Regular Session of the 121st Legislature: Public Law 2003, chapter 414. That Recodification also directed the Department of Inland Fisheries and Wildlife to work with the Office of Policy and Legal Analysis to develop recommendations to address legal ambiguities and other issues identified by the Office of Policy and Legal Analysis in its work on the Recodification that could not be addressed in Recodification and to submit a bill to the 2nd Regular Session of the 121st Legislature to resolve those issues. Public Law 2003, chapter 655 is the result of that work. Public Law 2003, chapter 655:

1. Resolves legal and substantive ambiguities in accordance with recommendations made by the Department of Inland Fisheries and Wildlife in areas including but not limited to definitions, the duties and powers of the Commissioner of Inland Fisheries and Wildlife, the operating and financial affairs of the Department of Inland Fisheries and Wildlife, wardens, enforcement, licenses, hunting, trapping, commercial shooting areas, fishing, bait dealers, taxidermy, guides and trip leaders, whitewater rafting,

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wildlife importation, nuisance wildlife, wildlife sanctuaries, fish management, watercraft, snowmobiles and ATVs;

2. Resolves penalty ambiguities in accordance with recommendations made by the Department of Inland Fisheries and Wildlife and brings penalty provisions into compliance with current drafting standards and the requirements of the Maine Criminal Justice Information System (i.e., all prohibited acts drafted so that each sanctionable offense is in its own discreet provision with its own discreet penalty provision);
3. Makes technical changes to further increase clarity and readability; and
4. Amends the effective date of laws passed in the Second Regular Session and Second Special Session of the 121st Legislature that affect the recodified laws (Public Law 2003, chapters 527, 552, 573, 587 and 592) to make these effective on the same date as the Recodification. The Recodification originally had an effective date of 90 days after the adjournment of Second Regular Session of the 121st Legislature, however, the Legislature adjourned on January 30, 2004 ending the Second Regular Session earlier than anticipated necessitating a change to the effective date of the Recodification to avoid conflicts and unintended consequences. Public Law 2003, chapter 614 changed the effective date of the Recodification to August 31, 2004.

Public Law 2003, chapter 655 was enacted as an emergency. Those portions of Public Law 2003, chapter 655 that amended the effective dates of laws passed in the Second Regular Session and Second Special Session of the 121st Legislature took effect on April 22, 2004. All other provisions of Public Law 2003, chapter 655 have an effective date of August 31, 2004.

PUBLIC 662 An Act To Establish Family Fishing Days EMERGENCY

LD 1932

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-485

Public Law 2003, chapter 662 creates "Family Fishing Days" as free fishing days and repeals the provision of law that makes Father's Day weekend a free fishing weekend.

Public Law 2003, chapter 662 was enacted as an emergency measure effective April 22, 2004.

PUBLIC 695 An Act To Implement Certain Recommendations of the Governor's Task Force on ATV Issues EMERGENCY

LD 1912

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANDRY BRYANT	OTP-AM	H-881 S-509 BRYANT

Public Law 2003, chapter 695 accomplishes, with some refinement, many of the recommendations of the Governor's task force on ATV issues.

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1. It broadens the purpose of the ATV Recreational Management Fund to allow for purchase or lease of real estate and acquisition of easements for ATV trails or sport-riding facility acquisition and permits its use for grants-in-aid to organizations for the purchase of ATV-related equipment.
2. It creates an ATV law enforcement grant program to make enforcement grants to the warden service as well as to other enforcement agencies and dedicates the Department of Inland Fisheries and Wildlife's ATV gas tax revenues under the Maine Revised Statutes, Title 36, section 2903-D to the ATV law enforcement grant program. It authorizes the program to accept and disburse donated materials and equipment.
3. It increases the penalty for failure of an ATV operator to stop for a law enforcement officer to a Class D crime with a mandatory \$1,000 fine. It provides that attempting to elude a law enforcement officer is subject to the same penalties.
4. It requires the suspension of all licenses and permits issued by the Department of Inland Fisheries and Wildlife and allows suspension of registrations issued by the department for certain violations of ATV laws (operating an ATV on a temporarily closed trail, abuse of another person's property, operating under the influence under 21 years of age, operating to endanger, reckless operation, operating on land of another without permission, failure to stop or attempting to elude an officer). It requires the violator to complete mandatory training in order to have the suspension lifted.
5. It changes the law regarding payment of sales and use tax on ATV purchases by nonresidents to parallel the law relating to snowmobiles: it eliminates the requirement that non-residents pay a sales and use tax (currently they must pay the tax if they use the ATV in the State for more than 30 days in any 12 month period).
6. Current law is ambiguous as to the areas where children under 10 years of age or unaccompanied children under 16 years of age who have not completed required training may operate an ATV; Public Law 2003, chapter 695 clarifies the law and adds safety-training sites to the list of areas where operation by such children is permitted. Specifically it provides that a child under 10 years of age or an unaccompanied child under 16 years of age who has not completed required training may operate an ATV only on land on which the child is domiciled, land owned or leased by the child's parent or guardian or in a safety-training site approved by the department.
7. It prohibits snorkel kits and similar kits designed to allow ATV use in deep water, except at racing events. Violation of this provision is a civil violation subject to a \$100 to \$500 fine.
8. It requires a parent or guardian to attend ATV training with children under 16 years of age.
9. It requires visible identification on both the front and rear of all ATVs in the form of a sticker. Violation of this provision is a civil violation subject to a \$100 to \$500 fine.
10. It establishes a legislative finding that abusive use of ATVs places access to private property for recreation at risk.
11. It prohibits operating an ATV on the land of another without the permission of the landowner or lessee. It creates a presumption of permission on posted ATV trails and on land open to ATVs by landowner policy. It requires written permission on cropland, pastureland and orchard (currently written permission is required on cropland and pastureland only).

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12. It repeals the law providing for a special 15-month registration fee; it provides that registrations issued prior to July 1st (the beginning of the normal registration period) but after May 1st are valid from the date of issuance through June 31st of the following year.
13. It prohibits operation of an ATV on a portion of trail posted as temporarily closed. Violation of this provision is a civil violation subject to a \$100 to \$500 fine.
14. It changes the maximum allowable ATV sound level to 96 decibels in a 20-inch test, to reflect national standards.
15. It adds rivers, brooks, streams, great ponds, nonforested wetlands, vernal pools and source water protection areas of public drinking water supplies to the list of areas where ATV operation is prohibited when the ground is not frozen. It provides exceptions for designated trails and for certain maintenance and inspection activities and for governmental officials performing their duties provided certain conditions are met.
16. It adds destruction of signs and posted notices to the current provision prohibiting abuse of another person's property by an ATV operator.

Public Law 2003, chapter 695 was enacted as an emergency measure effective May 7, 2004. Only the portion of the law relating to temporary closures of ATV trails takes effect on that date. All other portions of the law have an effective date of August 31, the date the recodification of the fisheries and wildlife laws take effect.

RESOLVE 103 Resolve, Regarding the Condition and Operation of the Little River LD 173 Dam

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-677

Resolve 2003, chapter 103 requires the Department of Inland Fisheries and Wildlife to monitor the dam on the Little River located near the Town of Scarborough for problems with flooding or with the effective operation of the dam's fishway and fish trap. The resolve requires the Commissioner of Inland Fisheries and Wildlife to report back the department's finding along with any recommended legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by January 1, 2006.

Judiciary

PUBLIC 509 **An Act To Clarify the Landowner Liability Law with Regard to** **LD 787**
EMERGENCY **Construction and Maintenance of Snowmobile and Other Trails for**
 Recreational Use

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P CARR	OTP-AM	S-356

Public Law 2003, chapter 509 amends the landowner liability law to provide protection to any legal entity that constructs or maintains trails or other improvements for public recreational use. The language is not limited to snowmobile trails and covers any type of recreational trail.

Public Law 2003, chapter 509 was enacted as an emergency measure effective January 9, 2004.

PUBLIC 510 **An Act to Correct Errors and Inconsistencies in the Laws of Maine** **LD 274**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-593 H-596 NORBERT

Public Law 2003, chapter 510, became law without the Governor's signature on January 11, 2004. It corrected technical errors and inconsistencies and made several substantive corrections. See also LD 1897, Public Law 2003, chapter 599, for corrections to chapter 510.

PUBLIC 518 **An Act To Amend the Uniform Federal Lien Registration Act** **LD 1756**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP	S-375 PENDLETON

Public Law 2003, chapter 518 makes the necessary changes to the Uniform Federal Lien Registration Act as requested by the Internal Revenue Service to update and clarify outdated language and to allow the Internal Revenue Service to file notices of federal tax liens electronically with the Secretary of State.

Judiciary

PUBLIC 523 An Act To Amend the Laws Relating to Nonprofit Corporations LD 1761

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP	

Public Law 2003, chapter 523 eliminates duplicate filings with the Registry of Deeds for documents filed by nonprofit corporations formed under the Maine Revised Statutes, Title 13, chapters 81 and 93. Public Law 2003, chapter 523 also streamlines the filing requirements with the Secretary of State to be consistent with the filing requirements for other nonprofit corporations formed under Title 13-B.

PUBLIC 525 An Act Regarding the Number of Jurors Required To Render a LD 1652 EMERGENCY Verdict in a Civil Trial

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-673

Public Law 2003, chapter 525 requires that at least 2/3 of the jurors participating must unanimously agree in the verdict. Only in the event that the jury is reduced to 7 members would a verdict be decided by the unanimous votes of fewer than 6 jurors.

Public Law 2003, chapter 525 was enacted as an emergency measure effective March 3, 2004.

PUBLIC 538 An Act To Clarify the Standards for Granting a Name Change LD 1797

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-682

Public Law 2003, chapter 538 allows a Probate judge to require a criminal history record check, motor vehicle record check or credit check for any person who seeks a name change and to assess the cost of any such check against the person. It also prohibits a name change if the judge has reason to believe the change is for fraudulent purposes or against the public interest.

Chapter 538 is consistent with In re Reben, 342 A.2d 688 (Me. 1975) and is not intended to restrict the authority of the Probate Court.

Judiciary

PUBLIC 562 An Act Regarding Child Support Collection Practices

LD 1771

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON HATCH PH	OTP-AM	H-721

Public Law 2003, chapter 562 prohibits a person who enters into an agreement with another to collect child support from charging a fee based upon current or future child support payments. Under a contract for the collection of child support that provides for a contingent fee, the fee may be based only upon unpaid past child support arrearages that are unpaid at the time when the contract is signed. It also provides that a person who enters into an agreement with another to collect child support is subject to the provisions of the Maine Fair Debt Collection Practices Act. It requires a detailed written contract between a support obligee and a private collector and prohibits penalties if the support obligee terminates the contract. It provides that a person who enters into an agreement with another to collect child support can not collect a fee for payments collected primarily through the efforts of a governmental agency.

PUBLIC 575 An Act To Permit Background Checks on Prospective Adoptive Parents

LD 1754

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURLEY	OTP-AM	H-728

Public Law 2003, chapter 575 gives the Department of Human Services the authority to use the same basic procedure available to the Probate Court to conduct background checks earlier in the adoption process.

PUBLIC 594 An Act Making Amendments to the Uniform Commercial Code Covering Provisions Dealing with Negotiable Instruments and Bank Deposits and Collections

LD 1786

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'NEIL MAYO	OTP-AM	H-772

Public Law 2003, chapter 594 amends Articles 3-A and 4 of the Maine Uniform Commercial Code to include warranties concerning "telephonic" and other checks that do not bear the consumer's signature. Chapter 594 shifts the risk of loss for processing this instrument to the depository-collecting bank, which is in the best position to prevent its introduction into the check collection system.

Judiciary

PUBLIC 599 EMERGENCY

An Act To Make Emergency Changes to Recent Law

LD 1897

Sponsor(s)
NORBERT
PENDLETON

Committee Report

Amendments Adopted

Public Law 2003, chapter 599 corrects errors and inconsistencies in the laws of Maine, some of which were created by the delayed effective date of the First Regular Session Errors Bill, LD 274, now Public Law 2003, Chapter 510. Although the bill was not referred to a committee, the Judiciary Committee reviewed its content.

Non-technical changes include amendments to the CNA laws.

Public Law 2003, chapter 599 was enacted at an emergency measure effective April 6, 2004.

PUBLIC 618

An Act To Enact the Uniform Trust Code

LD 921

Sponsor(s)
MILLS P

Committee Report
OTP-AM

Amendments Adopted
H-795

Public Law 2003, chapter 618 amends the State's trust laws adopting a slightly revised version of the Uniform Trust Code. Uniform Comments and Maine Comments are included.

The Maine Uniform Trust Code is effective July 1, 2005.

Chapter 618 also amends the Probate Code concerning different forms of health care powers of attorney to ensure that health care providers are not limited in the medical information they provide to the agent by the federal Health Insurance Portability and Accountability Act of 1996.

PUBLIC 631 EMERGENCY

An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships

LD 1767

Sponsor(s)
NORTON

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted
H-771
H-819 NORBERT

Public Law 2003, chapter 631 makes changes to the laws relating to nonprofit corporations, limited partnerships, limited liability companies and limited liability partnerships that are consistent with recent changes made to the business corporation laws in the Maine Revised Statutes, Title 13-C.

Public Law 2003, chapter 631 was enacted as an emergency measure effective April 14, 2004.

Judiciary

PUBLIC 653 An Act To Clarify the Responsibilities under the Adult Protective LD 1765 Services Act

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	OTP-AM	H-887

Public Law 2003, chapter 653 amends the Adult Protective Services Act regarding reporting requirements, the relationship between the Adult Protective Services Act and other state and local laws regarding confidential or privileged information and the types of information the department may receive as part of an investigation or protective proceeding.

Chapter 653 clarifies that federal confidentiality protections supersede conflicting state requirements to report abuse, neglect or exploitation of incapacitated or dependent adults. It abrogates the confidential quality of communications provided by statute with regard to hospitals, health maintenance organizations, dentists and social workers to the extent authorized under federal law in relation to required reporting or cooperating with the department in an investigative or other protective activity.

PUBLIC 658 An Act To Amend the Protection from Harassment Laws LD 1906

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM MAJ	H-840
PENDLETON	ONTP MIN	H-889 MILLS J

Public Law 2003, chapter 658 amends the Protection From Harassment laws to remove the requirement that the hearing on the complaint be held within 21 days.

PUBLIC 672 An Act To Promote the Financial Security of Maine's Families and LD 1579 Children

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM A	H-774
DAGGETT	ONTP B	H-871 MILLS P
	OTP-AM C	

Public Law 2003, chapter 672 provides for domestic partners in certain provisions of the Probate Code governing interstate succession, conservators and guardians, to extend to domestic partners provisions that currently apply to spouses in the laws governing protective orders and in the laws governing the custody of remains of deceased persons.

Judiciary

Chapter 672 does the following.

1. It defines "domestic partners" as 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to remain responsible indefinitely for each other's welfare.
2. It allows domestic partners to register with the Department of Human Services, Office of Health Data and Program Management, becoming "registered domestic partners."
3. It includes as a requirement that a registered domestic partnership can not be terminated unless both partners consent to the termination or a partner wishing to terminate the partnership provides a written notice, in hand, to the other partner.
4. It requires that the declaration of domestic partnership form must contain a warning in bold type explaining that the declaration may have a significant effect on property or inheritance rights and that registration is not a substitute for a will or a formal partnership agreement.
5. It clarifies that a domestic partner is a person entitled to have priority for appointment as a personal representative, guardian or conservator for an estate or as custodian of the remains of a deceased individual.
6. It clarifies that a registered domestic partner is entitled to priority in case of intestacy of the other registered domestic partner.

PUBLIC 688 An Act To Correct Errors and Inconsistencies in the Laws of MaineLD 1916 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-907
		H-923 NORBERT
		H-946 NORBERT
		H-947 NORBERT
		H-950 NORBERT
		H-952 NORBERT
		H-953 NORBERT
		S-552 PENDLETON
		S-555 PENDLETON
		S-559 PENDLETON

Public Law 2003, chapter 688 makes technical and substantive corrections to the laws of Maine. Parts A and B make technical corrections.

Part C makes corrections that are or may be considered substantive concerning the following:

1. The authority of family case management officers;
2. Assessments to be paid by certain towns and plantations to the General Fund to support the work of the Maine Land Use Regulation Commission;

Judiciary

3. Changes to Title 12 that Public Law 2003, chapter 614 made to the recodified inland fisheries and wildlife laws;
4. The number of civil jurors;
5. Temporary interim non-administrative space in schools;.
6. Enforcement of Medicaid laws;
7. The reporting period and the reporting date for the reporting of prescription drug marketing costs;
8. Pharmacy benefit managers;
9. The definition of "assisted living services";
10. Violations of motor vehicle inspection standards;
11. The Lincoln and Sagadahoc multicounty jail authority;
12. Adult entertainment ordinances;
13. Certified public accountants; and
14. The name of the Northern Maine General Hospital.

PART D corrects conflicts concerning Pine Tree Development Zones.

PART E includes vintners within the exemption to commingling requirements and handling fee increases.

PART F provides flexibility to the District Court to handle civil and criminal prosecutions of inland fisheries and wildlife violations by authorizing prosecutions in the District Court division nearest the location of the alleged violation.

Park K requires the Department of Human Services to start the rule-making process for the Community Health Access Program no later than January 1, 2007.

Part L changes the definition of "net operating revenue" in the laws governing the hospital tax to provide that bad debts may not be deducted from gross charges in the calculation of net operating revenue.

Part M removes language from the optional form for power of attorney for health care that provides the agent the authority to serve as personal representative for all purposes of the federal Health Insurance Portability and Accountability Act of 1996, also known as "HIPAA."

Part J makes corrections concerning educational technicians.

Part G corrects an erroneous repeal in the utility laws.

Part H repeals a cross-reference and removes a conflict and inconsistent compulsory attendance provision.

Judiciary

Part I provides that benefits for prosthetic devices under health plans issued for use in connection with health savings accounts as authorized under Title XII of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 may be subject to the same deductibles and out-of-pocket limits that apply to overall benefits under the contract.

Public Law 2003, chapter 688 was enacted as an emergency measure effective May 6, 2004, except as otherwise specifically provided.

PUBLIC 709 An Act To Implement the Recommendations of the Committee To LD 1957 Study Compliance with Maine's Freedom of Access Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-866 RINES S-502 PENDLETON

Public Law 2003, chapter 709 is the report of the Joint Standing Committee on Judiciary pursuant to Resolve 2003, chapter 83, which established the Committee to Study Compliance with Maine's Freedom of Access Laws. The study committee submitted its report and presented recommended legislation.

Chapter 709 amends Maine's Freedom of Access laws concerning executive sessions, charges for responding to request for public records and the management and review of exceptions to the definition of "public record." It also extends the work of the Committee to Study Compliance with Maine's Freedom of Access Laws, requiring a report in November 2004.

Chapter 709 amends the executive session law to require that the motion to enter executive session must include a citation of one or more sources of statutory or other authority permitting the executive session for the nature of the business stated in the motion.

The current law on the public's right to inspect and copy public records at the location of the records or the record custodian is repealed and replaced to clarify certain provisions and to ensure reasonable costs for copies of public records. New language is added to clarify that the agency or official must provide the public record requested within a reasonable period of time after the request. Inspection, copying and translation into usable form may be scheduled to occur when the regular activities of the agency or official will not be delayed or inconvenienced. The law is clarified to provide that only a reasonable fee may be charged for copies of public records. New to the law are provisions governing the recoupment of costs of searching for, retrieving and compiling records to satisfy a request. After the first hour of staff time to search for, retrieve and compile records, the agency or official may charge up to \$10 per hour for such staff services for each request. Compiling a public record includes reviewing the record and redacting confidential information.

Chapter 709 requires the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to produce a bill that lists in the freedom of access laws all the public records exceptions that exist in the Maine Revised Statutes. Chapter 709 also requires that provisions excepting records from the definition of "public records" be reviewed to determine if the exceptions should be continued, modified or repealed. A cyclical review process is established for a legislative review committee, the joint standing committee of the Legislature having jurisdiction over judiciary matters, to review and evaluate all the identified exceptions at least once

Judiciary

every 10 years. Criteria are established for the review and evaluation. The legislative committees of jurisdiction will have an opportunity to participate in the review and evaluation process. The review committee is authorized to report out legislation that carries out the review committee's recommendations to continue, modify or repeal each exception reviewed and evaluated.

Chapter 709 amends Resolve 2003, chapter 83 to extend the reporting date of the Committee to Study Compliance with Maine's Freedom of Access Laws to November 3, 2004. Four additional meetings are authorized. The unexpended balance of the money originally appropriated for the study committee will be used to fund the completion of the study. The duties of the study committee are expanded to include several issues identified by the study committee. The issue of whether public employees' home contact information should be kept confidential, as proposed by Legislative Document 1727, is added as an issue for the study committee to review.

Labor

PUBLIC 547 An Act To Amend the Random Drug Testing Laws

LD 1760

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVIELLO MARTIN	OTP-AM	H-711

Public Law 2003, chapter 547 amends the State's workplace substance abuse testing laws to provide employers of 50 or more nonunionized employees a 3rd option for establishing a random or arbitrary substance abuse testing program. Under current law, random or arbitrary testing programs may be imposed only on persons in safety-sensitive positions or pursuant to a collective bargaining agreement. This law allows certain employers a 3rd option: a random or arbitrary substance abuse testing program that applies to all employees, regardless of position. Unionized employees are included in such a testing program only if inclusion is part of their collective bargaining agreement. Employers are required to form an employee committee to write the policies regarding this type of testing program. Selection of individuals to be tested must be made by an entity independent from employer influence.

PUBLIC 608 An Act To Promote Decision Making Within the Workers' EMERGENCY Compensation Board

LD 1909

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS TREADWELL	OTP-AM	S-458

Public Law 2003, chapter 608 amends the structure of the Workers' Compensation Board. Under current law, the board has 8 members – 4 representing labor and 4 representing management. PL 2003, chapter 608 provides for a 7-member board – 3 representing labor, 3 representing management and the Executive Director of the Board. The Executive Director of the Board will be appointed by the Governor, subject to confirmation by the Legislature and will serve at the pleasure of the Governor. Under current law, the Workers' Compensation Board appoints the Executive Director. The law provides for transition from the current board structure to the new structure. This law was enacted as an emergency measure effective April 8, 2004.

PUBLIC 616 An Act To Promote Safety and Fair Labor Practices for Forestry LD 1380 Workers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH EDMONDS	OTP-AM	H-810

Public Law 2003, chapter 616 requires employers to provide safe transportation of certain forestry workers from their lodgings to their work sites, at no cost to the workers. The law applies to workers engaged on a temporary or seasonal basis to perform reforestation activities, such as clearing brush and thinning and planting

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trees. The transportation must meet the standards provided in the federal Migrant and Seasonal Agricultural Worker Protection Act, as well as additional standards, including a requirement for seat belts, first aid kits and emergency communication equipment. It limits the amount of time a worker can drive, prohibits use of vehicles other than buses that carry more than 11 persons, and prohibits attachment of equipment that interferes with operation of the vehicle.

Public Law 2003, chapter 616 prohibits discrimination or retaliation against any person who exercises the rights or protections provided by the new law or who files a complaint or participates in a proceeding under the law. It provides for civil penalties of up to \$1,000 per violation, enforceable by the Attorney General.

Public Law 2003, chapter 616 also requires the forestry industry to report on a safety program to the joint standing committee of the Legislature having jurisdiction over labor matters. Finally, it requires the Commissioner of Labor to convene a working group of interested persons to develop a system of collecting and reporting data for the purpose of improving the safety of forestry workers.

PUBLIC 624 An Act To Clarify the Severance Pay Law

LD 1733

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK DAVIS P	OTP-AM	H-815

Public Law 2003, chapter 624 clarifies that severance pay liability imposed by state law is mitigated when a person is entitled to severance pay under a collective bargaining agreement or other contract only if the contractual severance pay has actually been paid.

PUBLIC 630 An Act To Amend the Laws Concerning Optional Membership for Participating Local Districts in the Maine State Retirement System

LD 1810

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS	OTP-AM	H-790 H-818 SMITH W

Public Law 2003, chapter 630 amends the laws concerning the purchase of service credit by employees whose membership in the Maine State Retirement System (MSRS) is optional (“optional employees”), to remove limitations on such purchases. It gives optional employees of participating local districts (PLDs) the same rights as other optional employees to purchase credit for the time during which they elected not to join the MSRS. The PLD employee will be required to pay the full actuarial cost of the additional service credit, except in specified circumstances.

Public Law 2003, chapter 630 also clarifies that optional employees who are teachers, state employees or PLD employees who withdraw from the MSRS may withdraw their accumulated contributions, regardless of whether they have terminated employment. If those members later rejoin the Maine State Retirement System, they may

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repurchase service credit by repaying their accumulated contributions plus interest. Chapter 630 deletes the current 2-year waiting period before persons may repay withdrawn contributions.

PUBLIC 632 An Act To Protect the Privacy of Home Information of Maine State LD 1687 Retirement System Members, Benefit Recipients and Staff

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-442

Public Law 2003, chapter 632 provides that records in the possession of the Maine State Retirement System containing home contact information, such as home addresses and telephone numbers, of its members, benefit recipients and staff are confidential and not subject to disclosure as a public record, except that home contact information of a member or benefit recipient may be disclosed if the member or benefit recipient signs a confidentiality waiver.

PUBLIC 670 An Act To Promote the Public Interest by Providing for Reasonable LD 1318 Rates of Compensation for Forest Products Harvesting and Hauling Services

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W	OTP-AM MAJ	H-848
MARTIN	ONTP MIN	H-864 SMITH W

Public Law 2003, chapter 670 establishes a process by which a state panel, upon petition, sets rates of compensation for harvesting and hauling services provided under contract on certain forestlands in the State. The rate-setting procedure applies only to services performed on lands owned by entities that own or control more than 400,000 acres of forest land in a labor market area. (See also, LD 1964, PL chapter 674 which further limits application of the law)

Chapter 670 sets forth legislative findings to support the need for the State to displace existing market forces in such situations, where overwhelming market power of such landowners results in the absence of a sufficiently competitive market.

A forest landowner subject to the law, or a group of 3 or more harvester or haulers may begin a rate-setting process by filing a petition with the forestry rate proceeding panel created in the law. The panel is established under the State Board of Arbitration and Conciliation, and consists of 3 members: one neutral member who is a representative of the public on the State Board of Arbitration and Conciliation, one member representing the interests of forest landowners and one member representing the interests of harvesters and haulers. Members are appointed by the Governor. The cost of panel proceedings will be borne equally by parties to the rate-setting process. Panel decisions are subject to judicial review in the same manner as for other final agency actions. The law sets forth a list of factors for the panel to consider in setting rates, e.g., the impact of the rates on the competitive position of the landowner, harvester and hauler expenses, fair rates of return on investment, species of tree and method of harvesting, and environmental laws.

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The law authorizes harvesters and haulers to form associations to participate in the rate determination proceedings. Those associations may also negotiate with forest landowners prior to the rate determination proceeding, but any tentative agreement reached in those negotiations must be reviewed and approved by the rate-setting panel.

PUBLIC 674 An Act To Protect Forest Products, Loggers and Haulers LD 1964

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH W MARTIN		

Public Law 2003, chapter 674 limits the applicability of the rate-setting process for forest products harvesting and hauling services created by Public Law 2003, chapter 670. (See LD 1318, PL 2003, chapter 670). The law will apply to forest landowners who own or control more than 400,000 acres in a labor market area only if the acreage owned by that landowner constitutes more than 30% of the total land area in that labor market area. It also clarifies that the term "person" in the rate-setting law includes all forms of business organization.

PUBLIC 675 An Act Concerning Disability Retirement Benefits under the Maine State Retirement System LD 1814

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY	OTP-AM	H-710

Public Law 2003, chapter 675 amends the law regarding disability retirement benefits for the state and teacher retirement plan and the participating local district plan of the Maine State Retirement System. It provides that, after receipt of benefits for 5 years, disability retirement benefits are discontinued if the person has the ability to perform work resulting in the greater of \$20,000 per year or 80% of the person's average final compensation, adjusted for increases in the cost of living. Currently, such benefits are discontinued when the person is able to earn the 80% amount, even if that amount is less than \$20,000.

PUBLIC 685 An Act To Clarify the Law Regarding Interpreting Services for People Who Are Deaf or Hard-of-hearing LD 1688

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS NORBERT	OTP-AM	S-430

Public Law 2003, chapter 685 clarifies the requirement for courts and governmental agencies to provide qualified legal interpreters for persons who are deaf or hard-of-hearing, when the personal or property

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interest of the deaf or hard-of-hearing person is at issue in a court or agency proceeding. It requires the presiding officer of the legal proceeding to appoint qualified legal interpreters to meet the needs of the deaf or hard-of-hearing person, sets forth the standards for an interpreter to be considered qualified to interpret in legal settings and requires the court or agency to pay the costs of the interpreter. It also makes confidential certain communications between a legal interpreter and the interpreter's client, and requires the interpreter to take an oath regarding true interpretation of communications. The law requires the Bureau of Rehabilitation Services within the Department of Labor to maintain a list of qualified legal interpreters.

PUBLIC 693 An Act To Amend the Laws Governing Purchase of Military Time LD 1836 Served under the Maine State Retirement System

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY G STANLEY	OTP-AM	H-839

Public Law 2003, chapter 693 clarifies and amends the law setting forth the cost of purchasing retirement service credit for periods of military service prior to a person becoming a member of the Maine State Retirement System. It expands the list of persons who can purchase service credit at a subsidized rate (lower than the actuarial cost) to include persons who received certain types of combat awards, regardless of whether the person served during a "period of federally recognized conflict," such as the Vietnam War or the Gulf War. Such award recipients may purchase service credit under the new provision only if funds have been appropriated to the MSRS to cover the cost of the subsidy. The law requires the MSRS to report annually to the Legislature on the funds needed to subsidize purchases for persons who applied under the new provision in the prior calendar year.

PUBLIC 697 An Act To Increase Maine's Minimum Wage LD 673

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH PATRICK	OTP-AM MAJ ONTP MIN	S-359 S-491 HATCH PH S-563 CATHCART

Public Law 2003, chapter 697 increases the state minimum wage from \$6.25 per hour to \$6.35 per hour beginning October 1, 2004 and \$6.50 per hour beginning October 1, 2005.

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PUBLIC 699 An Act To Establish the Maine Jobs, Trade and Democracy Act LD 1815

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM MAJ	H-783
EDMONDS	OTP-AM MIN	H-801 SMITH W

Public Law 2003, chapter 699 creates the Citizen Trade Policy Commission, a 22-member commission to assess and monitor the legal and economic impacts of trade agreements on state and local laws, working conditions and the business environments, to receive public comment on impacts and to make policy recommendations regarding such impacts.

P & S 34 An Act To Establish the Administrative Operating Budget for the LD 1656 EMERGENCY Maine State Retirement System for the Fiscal Year Ending June 30, 2005

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-665

Private and Special Law 2003, chapter 34 allocates \$9,959,245 for administrative operating expenses for the Maine State Retirement System for fiscal year 2004-05. MSRS operating costs are paid for through contributions from the General Fund, non-General Fund accounts and Participating Local Districts such as municipalities. P&SL 2003, chapter 34 also approves collective bargaining agreements between the MSRS and 3 bargaining units of the Maine State Employees Association for the period November 1, 2003 to October 30, 2006. This law was enacted as an emergency measure effective July 1, 2004.

RESOLVE 106 Resolve, Directing the Department of Labor and the Department of LD 1792 Behavioral and Developmental Services, Office of Substance Abuse To Study the Prevalence of Drug and Substance Abuse

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY A	OTP MAJ	
EDMONDS	ONTP MIN	

Resolves 2003, chapter 106 directs the Department of Labor and the Department of Behavioral and Developmental Services, Office of Substance Abuse to conduct a study to determine the extent of drug, alcohol and substance abuse among the adult population of this State and report back to the Legislature no later than November 3, 2004.

Labor

RESOLVE 111 Resolve, Directing the Department of Labor to Collect Certain Data LD 880 Involving Retirees Receiving Social Security or Other Pensions

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ	H-633
EDMONDS	ONTP MIN	H-715 HUTTON

Resolve 2003, chapter 111 directs the Department of Labor to collect data on the number of persons who are affected by the so-called “pension offset” against unemployment benefits, i.e., the reduction of unemployment benefits for a person who receives Social Security benefits or certain other pensions or annuities. The Resolve requires the Department to report the data to the Joint Standing Committee on Labor by November 30, 2004.

Legal and Veterans' Affairs

PUBLIC 516 An Act To Increase the Sale of Lottery Tickets To Benefit LD 578
Conservation and Wildlife

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-635
BRYANT	ONTP MIN	

Public Law 2003, chapter 516 increases the sales commission paid to agents for the sale of wildlife lottery game tickets to benefit the Maine Outdoor Heritage Fund so that it is one percentage point higher than the sales commission paid to lottery agents for the sale of other instant tickets.

PUBLIC 569 An Act To Make Polling Places More Convenient LD 1639

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERCY	OTP-AM	

Public Law 2003, chapter 569 provides a town with the option to conduct an election at the usual locations instead of at a single location when a town meeting is being conducted for the exclusive purpose of voting by secret ballot.

PUBLIC 577 An Act To Reduce the Voting Age Qualification for State Primary LD 640
Elections for Voters Who Will Reach 18 Years of Age by the Time
of the General Election

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUMMINGS	OTP-AM MAJ	H-637
GAGNON	ONTP MIN	

Public Law 2003, chapter 577 amends current law to allow someone who is not yet 18 years of age, but will be at the time of a general election, to vote in the immediately preceding primary election for the selection of candidates.

Legal and Veterans' Affairs

PUBLIC 579 An Act to Allow Beverage Sales from Mobile Service Bars on Golf Courses LD 656

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROWNE	OTP-AM MAJ	H-636
MAYO	ONTP MIN	

Public Law 2003, chapter 579 permits the Department of Public Safety, to license golf courses to serve malt liquor on courses from mobile service bars. The annual license fee for a mobile service bar is \$100. It requires that a licensee ensure that malt liquor is served to only those engaged in a round of golf and that the operator of a mobile service bar successfully complete an alcohol server education course. Chapter 656 requires that the department revoke a license for a mobile service bar for violation of the liquor laws or any rule adopted by the department. The law also specifies that an operator of a mobile service bar must be at least 21 years of age, must have the ability to immediately contact the golf course's on-premises establishment for assistance when needed and specifies that a patron of the golf course who operates a golf cart may not transport open containers of malt liquor across a public way. Chapter 656 is repealed on January 1, 2006.

PUBLIC 583 An Act To Update Laws Affecting the Military LD 1752

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM	H-752
CANAVAN		

Public Law 2003, chapter 583 makes the following changes to laws pertaining to the Department of Defense, Veterans and Emergency Management.

1. Changes the number of consecutive days of active state service required for Maine National Guard members to be eligible to participate in the Maine State Retirement System from 15 to 5.
2. Provides for the extension of temporary guardianship until 30 days after active duty orders expire for a child whose parent is a member of the National Guard or the Reserves of the United States Armed Forces, is on active duty for more than 30 days, and has been ordered to duty without consent or ordered to duty during a period of war or national emergency.
3. Clarifies that the extension of power of attorney until 30 days after active duty orders expire for a child who is on active duty for more than 30 days, and has been ordered to duty without consent or ordered to duty during a period of war or national emergency, applies to members of the National Guard as well as members of the Reserves of the United States Armed Forces.
4. Repeals the law that allows a commissioned officer of the National Guard to retire from service at one grade higher than the grade that he or she earned.
5. Repeals the authority of a commanding officer of troops to order the closing of a place where intoxicating beverages, arms, ammunition, or explosives are sold.

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6. Amends the law regarding paid leave provided to state employees who are members of the Guard or the Reserves, so that eligibility criteria for the paid leave specifies that the member is performing military duty rather than military training.

PUBLIC 584 An Act To Amend the Election Laws

LD 1755

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK	OTP-AM	H-753

Public Law 2003, chapter 584 designates the electronic form of a voter's signature and identification number, which are used as unique identifiers in the centralized voter registration system, as nonpublic records that will be available for inspection only by certain persons. Hard copies of voter signatures and identification numbers and associated records are public records. Chapter 584 decreases from 5 years to 2 years the time that voter registration records must be kept for a voter whose name has been removed from the voting list.

It clarifies that voters who register in person before the municipal registrar of voters must complete an application that contains the information required in the Maine Revised Statutes, Title 21-A, section 152 or 154. The law removes the restriction that a student election clerk may assist a voter only if the voter specifically requests assistance from the student election clerk and removes obsolete language specifying the format of the write-in spaces for a presidential preference primary ballot and deletes the requirement that nominees' names must appear on a ballot in block capital letters. Chapter 584 adds a requirement that the notice of election must be posted at the polls on election day, in compliance with the federal Help America Vote Act of 2002. The law allows election officials to open the packages of official ballots one hour before the polls open, instead of the 1/2 hour that is currently specified and clarifies that the election clerk in charge of the incoming voting list may make a horizontal red line beside the voter's name on the voting list to indicate that a voter has voted.

PUBLIC 590 An Act To Authorize the STARBASE Program

LD 1690

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM	S-423

Public Law 2003, chapter 590 authorizes the establishment of a STARBASE program in this State. STARBASE is a science, mathematics and technology academic enrichment program funded by the federal Department of Defense. The law authorizes the Adjutant General to hire a director and other employees to operate the program.

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PUBLIC 615 An Act To Amend the Laws Governing Campaign Finance LD 1339

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN GAGNON	OTP-AM	H-828

Public Law 2003, chapter 615 defines payment made to a 3rd party who is not an employee of a candidate, a candidate's political committee, a party committee or a political action committee as expenditures for the purpose of reporting and requires that expenditures made to such a person be itemized by the amount of, reason for and date of the expenditure. Chapter 615 strikes a provision in current law that prohibits a broadcasting station within this State from broadcasting a communication made by a political action committee expressly advocating the election or defeat of a candidate unless that communication includes a statement that indicates that a copy of the report is available from the Commission on Governmental Ethics and Elections Practices. The communication is still required to include the name and address of the political action committee that financed the communication.

**PUBLIC 628 An Act To Amend the Penalty Provisions and Reporting Deadlines LD 1728
of the Campaign Reports and Finances Laws**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON	OTP-AM MJA OTP-AM MIN	S-470

Public Law 2003, chapter 628 provides greater flexibility to the Commission on Governmental Ethics and Election Practices to reduce the statutory penalties for the late filing of campaign finance reports. It removes the Class E crime designation from the failure of a candidate or treasurer to file required campaign finance reports. It replaces that provision by stating that the failure to file a report is subject to the same penalties as for failing to file a report on time. It also makes technical changes to the bill to clarify penalty provisions for party committees that fail to file a report or fail to file a report on time by correcting cross-references. It also reinstates a schedule for municipal, district and county party committees to file campaign finance reports that was inadvertently repealed in a bill passed during the First Regular Session of the 121st Legislature. Finally, chapter 628 shortens the deadline for the reporting of large campaign contributions and expenditures from within 48 hours of the contribution or expenditure to within 24 hours.

PUBLIC 639 An Act To Amend the Law Governing the Storage of Spirits LD 1881

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MAYO CLARK	OTP-AM	S-469

Public Law 2003, chapter 639 establishes an off-site storage facility license to an agency liquor store with a federal and state license permitting the agency liquor store to sell spirits to an on-premise licensee licensed for on-premises consumption. It specifies that an off-site storage facility may be used only for the storage of spirits and

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that the sale of spirits to on-premises licensees must be transacted at the retail store location. It also requires that a licensed reselling agent's off-site storage facility must be located within 30 miles of the retail store location. Such an agency liquor store may maintain only one off-site storage facility.

PUBLIC 646 **An Act To Clarify the Administrative and Financial Relationship** **LD 1951**
EMERGENCY **between the Maine Military Authority and the State of Maine**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLARK GAGNON		

Public Law 2003, chapter 646 accomplishes the following.

1. Changes the administrative status of the Maine Military Authority from a public instrumentality of the State to an agency within the Executive Department.
2. Clarifies the administrative and financial relationship between the Maine Military Authority and the State and the employment, accounting and budget procedures governing the Maine Military Authority with the status change to an Executive Department agency.
3. Requires the Maine Military Authority to preserve existing terms and conditions of employment for employees of the Maine Military Authority and the management practices relating to the terms and conditions of their employment to the greatest extent possible with the status change to an Executive Department agency, consistent with the Civil Service Law and the state employee laws governing labor relations.
4. Provides that employees hired after the effective date of this law have the same rights and benefits as employees transferred to the Executive Department at the time of the status change.
5. Requires that agreements between the Maine Military Authority and the bargaining agents in effect at the time of the Authority's status change to an Executive Department agency must be maintained for bargaining unit personnel until changed in accordance with applicable labor law principles.

Public Law 2003, chapter 646 was enacted as an emergency measure and took effect April 14, 2004.

PUBLIC 651 **An Act To Ensure the Accurate Counting of Votes** **LD 1759**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE MAYO	OTP-AM MAJ ONTP MIN	H-842

Public Law 2003, chapter 651 defines "direct recording electronic voting machine," "mechanical lever voting machine" and "punch card voting machine." It requires that any voting machine used in the State produce a paper audit trail. It also bans the use of mechanical lever voting machines and punch card voting machines.

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Chapter 651 further prohibits the networking of voting machines and prohibits Internet voting. This law requires the Secretary of State to report to the joint standing committee of the Legislature having jurisdiction over statewide election matters by January 15, 2005 on the progress made to implement the accessible voting equipment requirements of the federal Help America Vote Act of 2002. It also places a moratorium on the purchase and approval of direct recording electronic voting machines, or other voting systems equipped for individuals with disabilities, until March 1, 2005.

PUBLIC 687 An Act To Establish the Gambling Control Board To License and LD 1820 Regulate Slot Machines at Commercial Harness Racing Tracks

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM MAJ	H-868
GAGNON	OTP-AM MIN	S-515 MAYO S-519 MAYO

Public Law 2003 chapter 687 amends Initiated Bill 2003, chapter 1 as approved by the voters at referendum in November 2003, which allowed for the operation of slot machines at commercial harness racing tracks.

Public Law 2003, chapter 687 provides that commercial tracks are eligible for a slot machine license if the municipality where the slots will be operated approved the operation of slot machines at referendum by December 31, 2003. Under this law, a commercial track with a slot machine license must continue to conduct harness racing as a condition of operating slot machines. The initial license for slot machine operators and distributors is \$200,000 with an additional fee for operators of \$75,000, \$25,000 of which goes directly to the host municipality. This law provides for municipal approval for the renewal of a slot machine license requires the slot machine operator to enter into an agreement with the host municipality that provides for the revenue sharing and security plan for the licensed facility.

Public Law 2003, chapter 687 creates a five-member Gambling Control Board within the Department of Public Safety to regulate the operation, distribution, maintenance and licensing of slot machines at commercial harness racing tracks. Members of the Gambling Control Board are appointed by the Governor and approved by the Senate. This law creates a framework through which the board will regulate and monitor slot machine operators, distributors and gambling service providers and their employees. The board must employ a central site monitoring system that allows only the board or its contractors to program the machines as part of the regulatory framework. This system must be compatible with all slot machines licensed for operation in the state and use widely accepted gaming industry protocol to facilitate the slot machine manufacturers ability to communicate with the central monitoring system.

Under this law the total number of slot machines that may be registered in the state is 1500. The payback percentage to the players must be 89% and the use of credit or debit cards to play slot machines is prohibited. One percent of the amount deposited by persons playing the slot machines, the "coin-in", must be allocated to the General Fund for the administrative costs of the Gambling Control Board. The remaining 10%, the total gross slot machine income, is divided as follows:

Sixty-one percent to the slot machine operator;

Three percent to the General Fund for administrative expenses of the board, including gambling addiction counseling services;

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Ten percent to supplement harness racing purses;

Three percent to the Sire Stakes Fund;

Three percent to the Agricultural Fair Support Fund;

Ten percent to the Fund for a Healthy Maine for prescription drug benefits;

Two percent for University of Maine System scholarships;

One percent for Maine Community College System scholarships;

Four percent to the Fund to Encourage Racing at Maine's Commercial Tracks;

Two percent to the Fund to Stabilize Off-track Betting Facilities, to be reduced to 1% after 4 years with the remaining 1% going back to the General Fund; and

One percent to the host municipality.

RESOLVE 99 Resolve, Authorizing the City of Biddeford To Consolidate Voting LD 1827
EMERGENCY Districts for a Special Election in House District 18 in 2004

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL LAFOUNTAIN		

Resolve 2003, chapter 99 authorized the City of Biddeford, with the approval of the city council, to consolidate voting districts for the purpose of holding a special election in House District 18 in 2004

This resolve was finally passed as an emergency measure and took effect on January 9, 2004.

RESOLVE 117 Resolve, Directing the Secretary of State To Study the Feasibility of LD 212
Instant Run-off Voting

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAGGETT	OTP-AM MAJ ONTP MIN	H-751

Resolve 2003, chapter 117 directs the Secretary of State to study the feasibility of implementing a system of instant run-off voting for the conduct of elections in the State.

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RESOLVE 136 Resolve, Regarding Legislative Review of Portions of Chapter 1: LD 1868
Procedures and Portions of Chapter 3: Maine Clean Election Act
and Related Provisions, Major Substantive Rules of the
Commission on Governmental Ethics and Election Practices

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-835
	OTP-AM MIN	S-503 GAGNON
		S-504 MAYO

Resolve 2003, chapter 136 authorizes final adoption and directs the Commission on Governmental Ethics and Election Practices to make the following changes to its major substantive rules:

1. In Chapter 1, section 5, with regard the to the advance purchases of goods and services, the language must be changed to require that consulting services or the design, printing or distribution of campaign literature or advertising contracted or paid for prior to the primary election must be received prior to the primary election. The provision must also require that if a preponderance of the items purchased during the primary election cycle are used during the general election cycle, then the candidate or any other person required to file a report to the Commission on Governmental and Ethics and Election Practices shall report these as expenditures made during the general election cycle.
2. In Chapter 3, section 6, subsection 4, with regard to distribution of funds to certified Maine Clean Election Act candidates, subparagraphs (1) and (2) under paragraph A must be changed to state that if the preponderance of consulting services or the design, printing or distribution of campaign literature and advertising purchased prior to the primary election by an opponent of a certified Maine Clean Election Act candidate are used for the general election, then the certified Maine Clean Election Act candidate is entitled to a corresponding amount of matching funds.

Chapter 136 further specifies that the effective date of the rules adopted in accordance with this resolve may not be until after January 1, 2005.

Marine Resources

PUBLIC 519 **An Act To Provide Reciprocal Authority to New Hampshire** **LD 1689**
EMERGENCY **Marine Patrol Officers To Investigate Potential Terrorist Activities**
 in Maine Waters

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON BULL	OTP-AM	S-364

Public 2003, chapter 519 grants New Hampshire marine patrol officers the authority to investigate potential terrorist activities in Maine waters in the Piscataqua River or Portsmouth Harbor and are provided the same immunities granted to Maine marine patrol officers during the course of those activities.

Public 2003, chapter 519 will only take effect if New Hampshire enacts reciprocal authority to the Maine marine patrol officers, in order that they may investigate potential terrorist activities in New Hampshire waters. It also provides that the provisions of this law are repealed if New Hampshire should repeal its reciprocal statutory language.

Public 2003, chapter 519 requires the Commissioner of Marine Resources to notify the Secretary of State of New Hampshire if this section of law is repealed or amended to significantly alter its application.

Public 2003, chapter 519 was enacted as an emergency measure effective February 19, 2004.

PUBLIC 520 **An Act To Correct Certain Errors and Inconsistencies in Marine** **LD 1758**
 Resources Laws

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL	OTP-AM	H-647

Public Law 2003, chapter 520 does the following:

1. Changes the name of the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund;
2. Creates the Marine Fisheries Research and Development Fund;
3. Creates a reinstatement fee of \$25 in order for the Department of Marine Resources to rescind a license suspension that is the result of failing to comply with a court order of support;
4. Clarifies that it is unlawful to fish for or take lobster from any platform other than a vessel;
5. States that lobster traps, warps, buoys or cars may not be used for fishing by any person other than the licensed owner unless with written permission from the Commissioner of Marine Resources;
6. Corrects the inadvertent omission of the allocation of one type of lobster license fee;

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8. Strikes an exemption on the prohibition of washing or holding shellfish in closed areas;
9. Reallocates section 6728-A to section 6721-A;
10. Strikes language that was repealed during the First Regular Session of the 121st Legislature, but was inadvertently restored in a subsequent bill;
11. Allows the transfer of funds from the Aquarium and Resource Center at West Boothbay Harbor Fund to the Department of Marine Resources Educational Fund and allows the transfer of funds from the gas tax fund to the newly created Marine Fisheries Research and Development Fund; and
12. Strikes language that allows a person under certain conditions to wash or keep mussels in closed waters.

PUBLIC 573	An Act To Provide for Department of Marine Resources	LD 1702
EMERGENCY	Jurisdiction Over Certain Sections of the State's Endangered Species Program	

<u>Sponsor(s)</u> DAMON	<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN	<u>Amendments Adopted</u> H-741 BULL S-403
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Public Law 2003, chapter 573 does the following:

1. Gives the Commissioner of Marine Resources authority over the State's endangered or threatened marine species. It establishes the state endangered or state threatened marine species list and designates as endangered or threatened 8 marine species that are already federally listed as endangered or threatened species;
2. Authorizes the Commissioner of Marine Resources to recommend to the Legislature that a marine species be listed if that species is already federally listed as an endangered or threatened species. It provides that the Legislature has sole authority to include a marine species in or remove a marine species from the list;
3. Authorizes the Commissioner of Marine Resources to establish programs necessary for the protection of state-listed endangered or threatened marine species and to enter into agreements with other governmental and nongovernmental entities for such purposes;
4. Requires the Commissioner of Marine Resources to submit a written report by January 1st of each year to the joint standing committee of the Legislature having jurisdiction over marine resources matters and the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters describing the status of all current and planned programs, activities and rules of the department pertaining to the conservation or management of state endangered or state threatened marine species; and
5. Requires the Commissioner of Inland Fisheries and Wildlife to include the joint standing committee of the Legislature having jurisdiction over marine resources matters when the commissioner submits the commissioner's annual report on threatened and endangered species to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters, as required by current law and

Marine Resources

requires both commissioners to send notice to the Legislature by January 1st of each year that the reports have been delivered.

Public Law 2003, chapter 573 was enacted as an emergency measure effective on March 24, 2004 except those sections of the Act that amend the Maine Revised Statutes, Title 12, sections 12801 and 12803 that are effective on July 29, 2004.

PUBLIC 593 An Act To Provide for the Assessment of the Mahogany Quahog LD 1749 EMERGENCY Resource

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL DAMON	OTP-AM	H-769

Public Law 2003, chapter 593 changes the name of the Toxin Monitoring Fund to the "Mahogany Quahog Monitoring Fund" and expands the allowable uses of the fund to include conducting stock assessments of the mahogany quahog resource.

Public Law 2003, chapter 593 provides that, beginning July 1, 2004, 58% of the total revenue from the \$1.20 per bushel fee for mahogany quahogs or \$56,000, whichever is greater, must be credited to the Mahogany Quahog Monitoring Fund and 42% or the remainder, as applicable, to the General Fund.

Public Law 2003, chapter 593 also requires the Department of Marine Resources to conduct mahogany quahog stock assessments starting no later than January 1, 2005 and to report biennially to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the progress of the stock assessments and the status of the Mahogany Quahog Monitoring Fund starting January 1, 2006.

Public Law 2003, chapter 593 was enacted as an emergency measure effective April 6, 2004.

PUBLIC 660 An Act To Implement the Recommendations of the Task Force on LD 1857 the Planning and Development of Marine Aquaculture in Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-844
	OTP-AM MIN	H-847 BULL

Public Law 2003, chapter 660 implements the recommendations of the Task Force on the Planning and Development of Marine Aquaculture in Maine.

Marine Resources

The bill does the following:

1. Removes the Department of Marine Resources as the primary agency responsible for the promotion and marketing of the aquaculture industry;
2. Defines agricultural products to include aquaculture products;
3. Increases the number of lease acres a person may be a tenant of from 250 to 300 and authorizes the Commissioner of Marine Resources to allow a person to exceed the 300-acre lease limit if that person provides a fallowing plan to the commissioner identifying lease sites that will remain fallow for at least 12 months. It also limits the total amount of active and fallowed lease acreage that may be held by one person to 500 acres, of which only 300 may be active;
4. Requires the commissioner to consider as part of the criteria for granting a lease certain "conserved lands" that include governmental land held in fee to protect important ecological, recreational, scenic, cultural or historic attributes of that property;
5. Authorizes the commissioner to consider more than one lease renewal application at a public hearing;
6. Makes technical changes to reflect requirements in Maine Pollution Discharge Elimination System permits and to facilitate the transition from the finfish aquaculture monitoring program to the Maine Pollution Discharge Elimination System permit and to require finfish aquaculture leaseholders to get approval from the department of contractors to be used by leaseholders for data collection required by law;
7. Grants a municipality that has a shellfish conservation program the authority to issue a municipal shellfish aquaculture permit ("permit") for mud flats within its jurisdiction. It requires the municipality to publish a summary of the proposed permit and allows for public comment for 30 days after the publication of the application summary. It also requires a municipality to adopt ordinances that establish procedures for consideration of a permit and requires the municipality to hold a public hearing prior to the granting of the permit if requested by 5 or more people in writing. This amendment provides the decision criteria a municipality must consider when making a decision on a proposed permit and requires that the municipality put its findings in writing. Additionally, it requires the municipality to forward an approved permit to the department and provides that a municipality may not charge more than \$50 an acre for a permit. It gives the municipality authority to put conditions and limits on a permit and caps the length of a permit at 10 years, renewable upon application of the permit holder. Finally, it requires a municipality to hold a public hearing on a permit renewal application if requested in writing by 5 or more people and provides that a permit renewal must be granted if it continues to meet the decision criteria;
8. Establishes the Aquaculture Management Fund to develop and manage water quality licensing and monitoring criteria for aquaculture and to analyze collected data, process license applications and make information about aquaculture available to the public;
9. Increases certain aquaculture fees and establishes new fees related to aquaculture leases. Revenues raised pursuant to these fees are dedicated to the Aquaculture Management Fund;
10. Repeals the tax of 1¢ per pound assessed on finfish;

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11. Provides that municipalities may not charge a mooring fee for and do not have jurisdiction over siting or specifications of structural moorings used to secure aquaculture equipment. It grants authority to municipalities for boat and vessel moorings inside the boundaries of an aquaculture lease site. It prohibits a municipality from charging a mooring fee for such moorings that is inconsistent with other mooring fees for commercial vessels;
12. Requires the Land and Water Resources Council to undertake a study of bay management. The intent of this study is to explore and document potential new and innovative concepts for the management of Maine's embayments through a 2-year pilot initiative. It requires the council to begin this study no later than September 1, 2004 and to submit an interim report by January 15, 2006 and a final report by January 15, 2007 to the joint standing committee of the Legislature having jurisdiction over marine resources matters. The study must be carried out under the direction of the council with work performed by an interagency staff work group with input of a project steering committee consisting of members of the public with expertise in relevant fields of interest. It also directs the council to create one or more pilot projects of limited duration in a representative region or regions of the State and authorizes the interagency staff work group to meet as necessary to fulfill its duties and specifies that meetings of the council are open to the public. It further directs the Executive Department, State Planning Office and the Department of Marine Resources to provide staff services to the council and requires that the Director of the State Planning Office use funds from the State Planning Office's existing resources and other outside sources to cover the costs associated with this study;
13. Sets forth vision and principles statements as guidance for the future of aquaculture in Maine;
14. Clarifies that a municipality may issue a municipal shellfish aquaculture permit and not a lease for the exclusive use of shellfish aquaculture in a designated area in the intertidal zone within the municipality. Current law uses the term "lease," which does not accurately reflect the interest conveyed by a municipality to a person granted the authority to exclusively pursue shellfish aquaculture activities in a designated area within the intertidal zone; and
15. Provides that a person who knowingly interferes with the ability of a person who holds a municipal shellfish aquaculture permit to conduct activities allowed under that permit commits a civil violation.

RESOLVE 114 **Resolve, Regarding Legislative Review of Chapter 25.20: Protected LD 1834**
EMERGENCY **Resources, a Major Substantive Rule of the Department of Marine**
 Resources

Sponsor(s)

Committee Report
OTP

Amendments Adopted

Resolve 2003, chapter 114 approves Chapter 25.20: Protected Resources, a major substantive rule of the Department of Marine Resources.

Resolve 2001, chapter 114 was passed as an emergency measure effective March 24, 2004.

Marine Resources

RESOLVE 139	Resolve, Directing the Commissioner of Marine Resources To	LD 1955
EMERGENCY	Review the Licensing Requirements for the Harvest of Certain	
	Marine Resources	

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	S-494 DAMON

Resolve 2003, chapter 139 requires the Commissioner of Marine Resources to review the licensing requirements for the harvest of certain marine resources and to submit the commissioner's report and any recommendations to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than January 3, 2005. It also authorizes the commissioner to submit a bill related to the report to the First Regular Session of the 122nd Legislature.

Natural Resources

PUBLIC 551 An Act To Amend Certain Laws Relating to Environmental Protection

LD 1655

Sponsor(s)
MARTIN
KOFFMAN

Committee Report
OTP-AM

Amendments Adopted
S-390

Public Law 2003, chapter 551 makes the following changes to laws relating to environmental protection.

1. It reduces the frequency of reporting under the Clean Government Initiative.
2. It gives the department authority to license categories of subsurface discharges by rule when the discharges will not have a significant adverse effect on the quality or classification of groundwaters of the State.
3. It changes the frequency of a public hearing requirement to accord with minimum federal requirements concerning hearings related to the review of water quality standards.
4. It corrects an error in the existing statute governing the water quality classification of the Dennys River Basin by designating the correct bridge relative to the location of tidewaters.
5. It amends the "sand supply" standard in the Maine Revised Statutes, Title 38, section 480-D, subsection 7 by adding "or gravel" in order to make it consistent with the definition of "coastal sand dune systems" in Title 38, section 480-B, subsection 1.
6. It makes a claimant ineligible to receive 3rd-party damage payments from the Maine Coastal and Inland Surface Oil Clean-up Fund or the Ground Water Oil Clean-up Fund if the claimant caused the oil discharge that resulted in the damages or the claimant otherwise meets the definition of "responsible party" under Maine oil discharge law.
7. It authorizes the Commissioner of Environmental Protection to dismiss a claim for damages associated with an oil discharge if the claim is not timely filed, the claimant does not provide the information needed to process the claim or the claimant is found to be responsible for the discharge.
8. It provides that the discovery of oil in drinking water supplies, soil or other locations on the premises of an underground storage facility is evidence of a leak.
9. It allows operators of underground oil storage facilities to forego inventory analysis if the storage tanks are monitored for leaks by a method able to detect a product loss of 0.2 gallons or less per hour.
10. It repeals obsolete language governing bare steel underground oil storage tanks.
11. It deletes an incongruent reference in the law governing the sale of elemental mercury for manufacturing purposes.
12. It requires prior written consent from public water suppliers before chemical control agents are used on a waterbody that is a public water supply, regardless of whether watercraft use had been restricted for the waterbody due to the presence of invasive plants.

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13. It exempts wastewater treatment plants from the licensing provisions for electrical installations.
14. It deletes references to the Maine Petroleum Association in the laws affecting the memberships of the Board of Underground Storage Tank Installers and the Fund Insurance Review Board.
15. It replaces a previously repealed definition of "hospital" in the section of law that exempts hospitals from the prohibition against new biomedical waste disposal facilities. It also exempts from the prohibition a group of hospitals acting through a hospital association.
16. It clarifies that prospective rules governing certain wastewater discharges will be designated as routine technical rules unless they are incorporated within a chapter of rules that are otherwise designated as major substantive rules.
17. It reduces the frequency with which the Mercury Products Advisory Committee must meet.

PUBLIC 554 An Act Relating to the Consideration of the Cumulative Effects on LD 1837
Protected Natural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Public Law 2003, chapter 554 requires Tier 2 freshwater wetland projects to meet all of the standards under the Maine Revised Statutes, Title 38, chapter 3, Article 5-A according to the recommendations of the Department of Environmental Protection submitted pursuant to Resolve 2003, chapter 14.

PUBLIC 567 An Act To Provide for the Safe Disposal of Household Hazardous LD 1806
Waste

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CURLEY DAMON	OTP-AM	H-732

Public Law 2003, chapter 567 requires state agencies awarding grants or making discretionary investments under certain programs to give preference to a municipality that is part of a household hazardous waste collection region for the purpose of establishing collection centers to accept household hazardous waste for disposal by residents on a year-round basis.

Natural Resources

PUBLIC 574 An Act To Amend Water Quality Laws To Aid in Wild Atlantic LD 1833 Salmon Restoration

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN MARTIN	OTP-AM	H-731

Public Law 2003, chapter 574 allows discharges to Class AA and Class A waters if the waters are or once were populated by a distinct population segment of Atlantic salmon as determined pursuant to the federal Endangered Species Act. Under chapter 574, only 3 discharge licenses may be issued and the licenses may not be effective for more than 5 years from the date of issuance. Chapter 574 also requires the Atlantic Salmon Commission to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters concerning the discharge licenses and the status of Atlantic salmon restoration in connection with those licenses.

PUBLIC 596 An Act To Provide Additional Financing for Costs Associated with LD 1863 EMERGENCY the Remediation of a Waste Oil Handling Facility Site in Plymouth

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN CARR	OTP-AM	S-449

Public Law 2003, chapter 596 specifies that money in the Waste Oil Clean-up Fund may be used for the costs of remedial design and a technical impracticability study in connection with the Plymouth waste oil site.

Public Law 2003, chapter 596 was enacted as an emergency measure effective April 6, 2004.

PUBLIC 604 An Act To Amend the Laws Governing Growth Management LD 1668

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN BROMLEY	OTP-AM MAJ ONTP MIN	H-759 H-766 KOFFMAN

Public Law 2003, chapter 604 requires a state agency, when awarding grants or making discretionary investments, to give preference first to municipalities that have received a certificate of consistency for a growth management program, then to municipalities that have adopted consistent comprehensive plans and consistent zoning ordinances and then to municipalities that have adopted consistent comprehensive plans. A municipality can not be penalized if it submitted a comprehensive plan, zoning ordinance or growth management program to the State Planning Office for review, the time for the office to respond has expired and the office has not provided its comments or findings to the municipality. Chapter 604 is effective July 1, 2005.

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PUBLIC 607 An Act Relating to Storm Water Management

LD 1866

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-441

Public Law 2003, chapter 607 exempts certain manure storage facilities from storm water management review. It also directs the Board of Environmental Protection to provisionally adopt rules to regulate storm water management by January 2, 2005 and directs the Department of Environmental Protection to submit a bill to the First Regular Session of the 122nd Legislature to resolve inconsistencies between those rules and the Maine Revised Statutes, Title 38, section 420-D.

PUBLIC 622 An Act To Improve Subdivision Standards

LD 1617

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN	OTP-AM MAJ	H-792
MARTIN	ONTP MIN	

Public Law 2003, chapter 622 prohibits a municipality or the Maine Land Use Regulation Commission from approving an application for a subdivision if the parcel has been harvested in violation of rules adopted by the Maine Forest Service to regulate liquidation harvesting. This prohibition ends 5 years from the date the parcel was purchased by the landowner responsible for the harvest. This provision takes effect on the same date that the Maine Forest Service rules become effective.

PUBLIC 627 An Act To Amend the Laws Regarding Invasive Aquatic Species LD 1723

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-450
SAVIELLO		

Public Law 2003, chapter 627 does the following:

1. It provides that a person may not place a watercraft on inland waters without a lake and river protection sticker.
2. It adds the provision that a person who operates a watercraft on inland waters without a sticker commits a civil violation.
3. It removes the restriction that only warnings can be issued for sticker violations when there are other boating law violations.

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4. It provides that a person commits a Class E crime if that person places or operates a watercraft on inland waters without a sticker after committing 3 or more violations of inland fisheries and wildlife laws within the last 5 years.
5. It provides that if a person operates, launches or removes a watercraft at a restricted access site or refuses inspection of a watercraft in violation of a surface use restriction order, that person commits a civil violation. If that person has committed 3 or more violations of Inland Fisheries and Wildlife laws within 5 years, that person commits a Class E crime.
6. It gives a municipality the option of appointing a harbor master to only enforce the invasive species laws.
7. It requires a person to remove aquatic plants or parts of plants from a vehicle, watercraft or trailer.
8. It allows the Commissioner of Environmental Protection and the Commissioner of Inland Fisheries and Wildlife to restrict access to an infested water body by issuing an emergency order. It also allows the commissioners to require inspections and cleaning of watercraft and trailers at sites identified in the order. Designated state boat inspectors must conduct the inspections.

PUBLIC 629	An Act To Reduce Contamination of Breast Milk and the Environment from the Release of Brominated Chemicals in Consumer Products	LD 1790
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<u>Sponsor(s)</u> PINGREE DAMON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-822
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Public Law 2003, chapter 629 prohibits the sale and distribution of new products that contain more than 1% of the "penta" or "octa" mixtures of polybrominated diphenyl ethers beginning January 1, 2006. It also provides that it is the intent of the Legislature to reduce the risk of the "deca" mixture of polybrominated diphenyl ethers by implementing risk management measures or by prohibiting the sale of products containing more than 1% of the "deca" mixture beginning January 1, 2008 if a safer, nationally available alternative is identified. It also requires the Department of Environmental Protection, with the Department of Human Services, Bureau of Health, to review relevant risk assessments in connection with brominated flame retardants and to annually submit to the joint standing committee of the Legislature having jurisdiction over natural resources matters a report regarding the regulation of brominated flame retardants, including the nationwide availability of safer alternatives to the "deca" mixture. If, after reviewing the recommendations of the department, the committee determines that a safer alternative to the "deca" mixture is nationally available, the committee may report out legislation to implement risk management measures or to enact a prohibition on the sale and distribution of products containing the "deca" mixture.

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PUBLIC 637 An Act To Change the Point System for Clearing Vegetation LD 1858
Adjacent to Protected Natural Resources

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-448

Public Law 2003, chapter 637 amends the point system for clearing vegetation adjacent to protected natural resources pursuant to Joint Order 2004, S.P. 684. It changes the definition of "well-distributed stand of trees" by increasing the area from a 25-foot by 25-foot square area to a 25-foot by 50-foot rectangular area and by changing the rating system. It requires that no more than 50% of the points of a 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter. It also requires that existing vegetation under 3 feet in height and other ground cover and at least 5 saplings less than 2 inches in diameter at 4 1/2 feet above ground level for each 25-foot by 50-foot area must be retained. It also provides that rules adopted by the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission pursuant to this Act are routine technical rules.

PUBLIC 638 An Act To Prohibit the Sale of Gasoline Containing MTBE LD 1870

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RINES HALL	OTP-AM	H-793

Public Law 2003, chapter 638 prohibits the sale of gasoline containing more than 1/2 of 1% by volume of the additive known as MTBE by January 1, 2007. It authorizes the Commissioner of Environmental Protection to issue an emergency order that waives the sales prohibition if necessary. It directs the Department of Environmental Protection to present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the implementation and status of the sales prohibition by March 1, 2006. It deletes references in current statute to the State's goal of eliminating MTBE in gasoline by January 1, 2003. It moves a definition from one section of the Maine Revised Statutes, Title 10 to a more appropriate section.

PUBLIC 640 An Act To Protect Health and the Environment by Improving the LD 1901
System for the Collection and Recovery of Mercury-added
Thermostats

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-806

Public Law 2003, chapter 640 prohibits a wholesaler from selling thermostats in the State unless the wholesaler acts as a collection site for thermostats that contain mercury either by participating in a manufacturer collection

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program or by disposing of the collected thermostats in accordance with universal waste rules adopted by the department.

PUBLIC 641 **An Act To Implement the Recommendations of the Community** **LD 1900**
EMERGENCY **Preservation Advisory Committee Regarding the State Planning**
 Office's Review of Growth Management Programs

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	S-461
	OTP-AM B	
	OTP-AM C	

Public Law 2003, chapter 641 clarifies that growth management related financial aid contracts are allowed to extend beyond a single fiscal year. It clarifies that floodplain ordinances that comply with the Federal Flood Insurance Program are exempt from the requirement that ordinances must be consistent with a comprehensive plan. It clarifies that the term "under this subchapter" means consistency with the procedures, goals and guidelines established in the growth management law. It amends notice requirements for follow-up public hearings that are held as a result of comments made at an initial public hearing. It provides that the Executive Department, State Planning Office, if requested, may review certain ordinances to determine whether they are consistent with a comprehensive plan without requiring submission of all elements of a growth management program.

Public Law 2003, chapter 641 was enacted as an emergency measure effective April 14, 2004.

PUBLIC 650 **An Act To Protect Maine's Coastal Water** **LD 1158**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRENNAN	OTP-AM MAJ	S-429
	ONTP MIN	S-497 MARTIN

Public Law 2003, chapter 650 prohibits the discharge of graywater or a mixture of graywater and blackwater to coastal waters by owners or operators of large commercial passenger vessels. Beginning January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater treatment system may discharge graywater or a mixture of graywater and blackwater if the discharge complies with federal effluent standards and the owner or operator of the vessel complies with record-keeping and sampling and reporting requirements of federal law and is issued a general permit from the Department of Environmental Protection. Prior to January 1, 2006, a large commercial passenger vessel that is equipped with an advanced wastewater discharge system that requires continuous discharge may discharge graywater or a mixture of graywater and blackwater if the vessel is authorized to discharge in Alaskan waters.

Chapter 650 also directs the Department of Environmental Protection to submit to the Joint Standing Committee on Natural Resources a report concerning graywater discharges from small commercial passenger vessels and a report concerning air emissions from vessels.

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PUBLIC 661 An Act To Protect Public Health and the Environment by Providing LD 1892 for a System of Shared Responsibility for the Safe Collection and Recycling of Electronic Waste

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM A	H-861
	ONTP B	S-516 MARTIN
	OTP-AM C	

Public Law 2003, chapter 661 establishes a system to provide for the collection and recycling of computer monitors and televisions in the State. Under the law, municipalities that choose to participate must ensure that computer monitors and televisions generated as waste from households within their jurisdictions are delivered to a consolidation facility.

Beginning in 2006, consolidation facilities are required to identify the manufacturer of computer monitors and televisions delivered to the facility and to transport those items to recycling and dismantling facilities.

Beginning in 2006, computer manufacturers and television manufacturers are responsible for the handling and recycling of computer monitors and televisions that are received at consolidation facilities and must pay for the operational costs of the consolidation facilities attributable to the handling of computer monitors and televisions.

Chapter 661 requires manufacturers of computer monitors and televisions to submit plans for the collection and recycling of computer monitors and televisions. It also establishes reporting requirements for manufacturers.

Chapter 661 also directs the Department of Environmental Protection to adopt rules that identify the criteria that consolidation facilities must use when determining the reasonable operational costs that are attributable to the handling of computer monitors and televisions. It also directs the Department of Environmental Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on whether the handling and recycling costs that are attributable to abandoned waste should be included in the reasonable operational costs of a consolidation facility.

PUBLIC 663 An Act To Reclassify Certain Downeast Waters LD 1891

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-791
	ONTP MIN	

Public Law 2003, chapter 663 reclassifies certain Downeast waters that were proposed for reclassification by the Department of Environmental Protection during the First Regular Session of the 121st Legislature but were not included in the report of the Joint Standing Committee on Natural Resources during that session.

It also provides that when adopting water use standards the Department of Environmental Protection must take into account that it is not the Legislature's intent to prohibit all water use in those waters that are reclassified pursuant to Chapter 663.

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PUBLIC 664 An Act To Amend the Dissolved Oxygen Standard for Class C LD 1899
Waters

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-467
	OTP-AM MIN	

Public Law 2003, chapter 664 amends the dissolved oxygen standard and the bacteria standard for Class C waters. It provides that dischargers to Class C waters that were issued final discharge licenses or water quality certificates prior to March 16, 2004 that are based on a 6.5 parts per million dissolved oxygen criterion must continue to be licensed using a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. Final discharge licenses and water quality certificates that were not previously based on a 6.5 parts per million dissolved oxygen criterion must, after March 15, 2004, be based on a 6.5 parts per million dissolved oxygen criterion at a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower.

RESOLVE 125 Resolve, Regarding the Sale of Batteries Containing Mercury LD 1661

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-780
DAMON		

Resolve 2003, chapter 125 directs the Department of Environmental Protection to study the sale of batteries that contain mercury and to submit a report of its findings to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 14, 2005.

RESOLVE 130 Resolve, Regarding Legislative Review of Chapter 355: Sand Dune LD 1849
EMERGENCY Rules, a Major Substantive Rule of the Department of
Environmental Protection

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-805

Resolve 2003, chapter 130 authorizes the adoption of Chapter 355: Sand Dune Rules until April 1, 2006 only if Chapter 355 is amended to provide that elevators that are required for compliance with the requirements of the federal Americans with Disabilities Act are exempt from the requirement that a new structure or addition to an existing structure may not be constructed on or seaward of a frontal dune. The rules must also be amended to provide that elevators or ramps serving buildings required to comply with the federal Americans with Disabilities Act must be designed and constructed so as to minimize intrusion on the frontal dune. The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings prior to finally adopting this rule. Chapter 130 directs the Commissioner of Environmental Protection and the Commissioner of Conservation to convene a meeting of stakeholders by May 15, 2004. It directs the Department of Environmental

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Protection to report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress of the sand dune stakeholder meetings and to submit draft revised sand dune rules and a statewide beach nourishment policy by January 17, 2005. It directs the Department of Environmental Protection to submit by January 16, 2006 to the joint standing committee of the Legislature having jurisdiction over natural resources matters recommendations on a state acquisition program, wildlife habitat management initiatives and removal of the existing prohibition of the use of outdated v-zone maps. It also directs the Department of Environmental Protection to provisionally adopt and submit to the Legislature revised sand dune rules by January 16, 2006.

Resolve 2003, chapter 130 was finally passed as an emergency measure effective April 14, 2004.

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PUBLIC 515 An Act To Clarify the Work Center Purchases Committee LD 1504
Requirements for Work Centers and Competitive Bidding

<u>Sponsor(s)</u> MCLAUGHLIN ROTUNDO	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 515 clarifies the Work Center Purchases Committee requirements for work centers and competitive bidding. Specifically, it does the following:

1. Changes the term "Disabled Persons" to "Persons with Disabilities";
2. Includes a new option for entities to become certified as work centers;
3. Updates language to identify the current positions responsible for the Work Center Purchases Committee. The term "State Purchasing Agent" is replaced with "Director of the Bureau of General
4. Authorizes the committee to develop procedures to grant contract extensions. Currently, contracts are awarded through an annual competitive bid process.

PUBLIC 534 An Act To Authorize the Town of Verona To Change Its Name LD 1653
EMERGENCY

<u>Sponsor(s)</u> YOUNGBLOOD CHURCHILL E	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-381
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Public Law 2003, chapter 534 authorizes the residents of Verona to change the town name from "Town of Verona" to "Town of Verona Island." A referendum is scheduled to be held before January 1, 2005 for approval by the residents of Verona.

Public Law 2003, chapter 534 was enacted as an emergency measure effective March 5, 2004.

PUBLIC 539 An Act To Authorize the Commissioner of Administrative and LD 1777
Financial Services To Execute Easements

<u>Sponsor(s)</u> MCLAUGHLIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-668 H-716 MCLAUGHLIN
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Public Law 2003, chapter 539 authorizes the Commissioner of Administrative and Financial Services to execute easement deeds in property held by state agencies over which the Department of Administrative and Financial Services has jurisdiction, such as routine and technical utility easements, as these are needed on a regular basis. Pursuant to Resolve 1999, chapter 97, the commissioner held this authority from August 11, 2000 to August 11, 2003.

PUBLIC 589 An Act To Clarify Prequalification Criteria for Public LD 1783 **Improvements**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM	H-666 S-428 ROTUNDO

Public Law 2003, chapter 589 clarifies how a contractor's resources are evaluated. Specifically, it allows the Director of the Bureau of General Services within the Department of Administrative and Financial Services to consider a contractor's prior experience, including any significant disparity between the size and type of prior projects and the project or projects under consideration at the time of prebid qualification.

PUBLIC 635 An Act To Extend the Deadline for Reconsideration by Boards of LD 1872 **Appeals**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL MCGOWAN	OTP-AM	S-444

Public Law 2003, chapter 635 requires a request to a board of appeals to reconsider a decision to be filed within 10 days of the decision and extends the time for the board to reconsider the decision to 45 days. It also requires that any party that chooses to appeal a reconsidered decision have 15 days from the date of the reconsidered decision to appeal the decision to Superior Court.

PUBLIC 692 An Act To Encourage Cost Savings by State Employees LD 1686

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	H-765 SAMPSON
MOODY	OTP-AM MIN	S-409

Public Law 2003, chapter 692 establishes the Employee Suggestion System, whereby state employees in classified service are eligible for cash or honorary awards for suggestions that would result in substantial savings or improvements or efficiencies in state operations. A cash award would be limited to 10% of the first year's estimated saving, up to a cap of \$2,000. The law also requires the board to forward all employee suggestions to

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the Office of Program Evaluation and Government Accountability a minimum of 2 times per year. This legislation is modeled on law that was repealed in 1995.

PUBLIC 696 An Act To Promote Intergovernmental Cooperation, Cost Savings LD 1930 and Efficiencies

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	S-510
	ONTP MIN	S-517 DAMON
		S-575 CATHCART

Public Law 2003, chapter 696 creates the Intergovernmental Advisory Group to improve efficiencies and communication within all 3 branches of government and to provide state assistance to encourage regionalization and cost-effective service delivery. The law removes the requirement for county residents to vote to create a charter commission. It also removes references to county commissioner meeting requirements, salaries for county officials and legislative delegation involvement in the county budget estimate process. It allows county charters to include provisions for the county budget committee process. It also clarifies that interlocal cooperative agreements may be established among public agencies.

P & S 37 An Act Concerning the Boundary Line of the Town of Unity LD 1779

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP	
WESTON		

Private and Special Law 2003, chapter 37 reestablishes the boundary line for the Town of Unity based on a recent survey.

P & S 46 An Act To Change the Names of Certain Townships in the LD 1925 EMERGENCY Unorganized Territory

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM	H-812
MARTIN		S-492 STANLEY

Private and Special Law 2003, chapter 46 authorizes the Aroostook County commissioners to seek approval from the residents of Township 17, Range 5, WELS, to rename the township Cross Lake. It also authorizes the Piscataquis County commissioners to seek approval from the residents of Township 5, Range 9, NWP, to rename the township Ebeemee.

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RESOLVE 105 Resolve, Authorizing the Commissioner of Administrative and LD 1784
Financial Services To Sell or Lease the Interests of the State in
Property in Fayette, Maine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLAUGHLIN	OTP-AM	H-667

Resolve 2003, chapter 105 reauthorizes the sale of state property in Fayette for an additional period of 3 years. This property, which was authorized to be sold by Resolve 1999, chapter 56, was repealed by its own terms on September 18, 2002. Resolve 1999, chapter 56 authorized the Commissioner of Administrative and Financial Services to sell one acre of land, more or less, near but not adjacent to the Baldwin Hill Road in Fayette and described in deed recorded at the Registry of Deeds of the County of Kennebec, State of Maine in Book 1053, Pages 3 and 4.

RESOLVE 122 Resolve, Authorizing the Town of Eustis To Exchange a Certain LD 1896
Parcel of Land

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JODREY	OTP	
WOODCOCK		

Resolve 2003, chapter 122 authorizes the Town of Eustis to exchange a parcel of land owned by the Town of Eustis for a parcel of land owned by SP Forests, LLC.

RESOLVE 133 Resolve, To Promote Transparency in Budgeting LD 1780

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM MAJ	H-807
ROTUNDO	ONTP MIN	

Resolve 2003, chapter 133 directs the office of the Chief Information Officer within the Department of Administrative and Financial Services, the Executive Department, State Planning Office and the Department of Audit to create a publicly accessible site on the Internet through a pilot project that includes voluntary submission by municipalities and counties of their budgets. It requires those entities to invite a representative of the Maine Municipal Association to take part in the development of the pilot project. This resolve also requires the lead agency to report to the joint standing committee of the Legislature having jurisdiction over state and local government matters by January 14, 2005 with recommendations on creating a permanent publicly accessible site on the Internet for this purpose.

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RESOLVE 142 **Resolve, To Commission a Portrait of the Honorable George J. Mitchell To Hang in the State House** **LD 1725**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT	OTP-AM MAJ	S-365
COLWELL	ONTP MIN	S-577 CATHCART

Resolve 2003, chapter 142 commissions a portrait of the Honorable George J. Mitchell to hang in the State House. This resolve also authorizes the State House and Capitol Park Commission to seek and accept outside sources of funding to commission a portrait of the Honorable George J. Mitchell.

RESOLVE 146 **Resolve, Authorizing the Commissioner of Administrative and** **LD 1785**
EMERGENCY **Financial Services To Sell or Lease the Interests of the State in**
 Certain Real Estate in Presque Isle, Known as the "Aroostook
 Residential Center"

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FISCHER	OTP-AM MAJ	H-696
	ONTP MIN	S-585 MARTIN

Resolve 2003, chapter 146 authorizes the Commissioner of Administrative and Financial Services to sell or lease the State's interests in property known as the "Aroostook Residential Center" in Presque Isle. The property must first be offered to the Central Aroostook Association for Retarded Citizens, Inc. for land value only, and next to social service agencies, which may only use the land for nonprofit purposes.

Taxation

PUBLIC 588

An Act Concerning Technical Changes to the Tax Laws

LD 1816

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE STANLEY	OTP-AM	H-754

Public Law 2003, chapter 588 makes the following changes to the laws governing taxation.

1. It clarifies that the Department of Administrative and Financial Services, Bureau of Revenue Services must preserve electronically transmitted tax returns for at least 3 years, and that returns may be preserved in the form of digital images rather than microfilm reproductions.
2. It adds definitions of "rural community health center" and "school" to the sales and use tax law, repeals language that is definitional in nature from the statute exempting these types of entities and repeals cross-references to the repealed language.
3. It clarifies that the sales tax exemption for sales to contractors of materials that will be incorporated into real estate of an exempt entity includes sales to subcontractors.
4. It replaces outdated references to federal laws and regulations governing air carriers from the sales tax exemption for parts used by scheduled airlines. The existing statute refers to regulations of the Civil Aeronautics Board, which no longer exists, and cites a federal law that has been repealed.
5. It clarifies the application of the exemption provisions in the gasoline tax law.
6. It expands the special fuel tax exemption for kerosene delivered to a separate tank for retail sale to include kerosene prepackaged for home use. The Bureau of Revenue Services is currently applying this interpretation administratively.
7. It corrects the applicable tax years for the provisions relating to the modification of federal adjusted gross income for property eligible for federal bonus depreciation for individual income tax computation purposes.
8. It adds a reference to net operating loss provisions for clarity and consistency with other statutory provisions.
9. It deletes redundant provisions that require taxpayers to make timely payment of income and franchise taxes.
10. It relocates an inappropriately placed requirement to file amended returns into the chapter of law governing the filing of returns, in order to clarify that amended returns are returns for purposes of determining the timeliness of assessments, requests for appeal and refund requests.
11. It repeals a cross-reference to the provision repealed in the Maine Revised Statutes, Title 36, section 5227.
12. It repeals a redundant statute authorizing the State Tax Assessor to name the assessor's employees as agents to collect income taxes.

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13. It clarifies the sales tax treatment of sales of products for human consumption through vending machines.

14. It also makes various grammatical changes.

PUBLIC 619 An Act Regarding Wildlife Habitat Conservation LD 827

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNLAP	OTP-AM MAJ	H-799
EDMONDS	ONTP MIN	

Public Law 2003, chapter 619 clarifies the meaning of “wildlife habitat” for purposes of the farm and open space tax law and requires assessors to consider whether there is a written agreement for the protection of wildlife habitat when determining eligibility for classification under that law.

PUBLIC 625 An Act To Clarify Property Eligible for Reimbursement of Property LD 1804 Taxes under the Business Equipment Tax Reimbursement Program

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWLES	OTP-AM	H-823
		H-846 LEMOINE

Public Law 2003, chapter 625 excludes gambling machines and devices, including electronic video machines and equipment used in the playing phases of lottery schemes, from eligibility in the business equipment tax reimbursement program.

PUBLIC 682 An Act To Promote Responsible Pet Ownership LD 1763

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLWELL	OTP-AM	H-727
BRYANT		S-567 CATHCART

Public Law 2003, chapter 682 establishes the Companion Animal Sterilization Fund in the Department of Agriculture and enacts an income tax check-off to permit individual income tax filers to make contributions to the fund. The fund is administered by the Commissioner of Agriculture who is directed to develop procedures and eligibility standards for awarding subsidies to low-income persons for the spaying or neutering of companion animals.

Taxation

PUBLIC 686 An Act To Provide for Fair Treatment of Taxpayers LD 1794

<u>Sponsor(s)</u> RICHARDSON, J EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-724 S-568 CATHCART
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Public Law 2003, chapter 686 extends the property tax exemption for residential property of persons who are blind to include residential property that is held in a revocable living trust for a person who is blind and who occupies the property as that person's permanent residence.

PUBLIC 698 An Act To Promote the Production and Use of Fuels Derived from LD 1492
Agricultural and Forest Products

<u>Sponsor(s)</u> SUSLOVIC	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-641 S-564 CATHCART
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Public Law 2003, chapter 698 provides an income tax credit of 5¢ per gallon of biofuel produced in the State that meets state and federal regulatory requirements. The credit applies only against taxes attributable to income derived from the production of biofuel.

PUBLIC 702 An Act To Provide Equity in Veterans' Property Tax LD 1746
Exemptions

<u>Sponsor(s)</u> THOMPSON HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-725 H-742 LEMOINE S-566 CATHCART
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Public Law 2003, chapter 702 extends to widowers and fathers of veterans the same property tax exemptions that are currently provided to widows and mothers of veterans.

PUBLIC 703 An Act To Create the Maine Military Family Relief Fund LD 1724

<u>Sponsor(s)</u> HALL	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-422 S-593 CATHCART
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Taxation

Public Law 2003, chapter 703 establishes the Maine Military Family Relief Fund and enacts an income tax check-off to permit individual income tax filers to make contributions to the fund. The fund is administered by the Adjutant General who is authorized to make grants from the fund to families of persons who are members of the Maine National Guard or the armed forces reserves who have been called to active duty. The income tax check-off is repealed December 31, 2007.

PUBLIC 705 An Act To Make Minor Substantive Changes to the Tax Laws LD 1813

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMOINE	OTP-AM	H-824
STANLEY		S-595 CATHCART

Public Law 2003, chapter 705 made minor substantive changes to the laws governing taxation. Specifically the law does the following.

1. It adds retailers of low-energy fuel to the categories of persons who are subject to revocation of their registration certificate if they fail to comply with a notice to segregate trust fund taxes. The change was inadvertently omitted from legislation enacted in the 119th Legislature that established this new category of licensee under the Special Fuel Tax Act.
2. It eliminates the requirement for processors and shippers of wild blueberries to file an annual application for renewal of certification.
3. It requires persons who purchase more than 2 cartons per month of unstamped cigarettes for personal use to report and pay the cigarette tax directly to the Department of Administrative and Financial Services, Bureau of Revenue Services and clarifies that persons who fail to do so are subject to the same assessment provisions as those liable for other taxes.
4. It adds the federal empowerment zone employment credit to those similar federal credits that are deductible from state income for purposes of calculating Maine taxable income for individuals and corporations and add citations to the specific provisions of the Internal Revenue Code that authorize the credits.
5. It clarifies that premiums paid by self-employed taxpayers for long-term care insurance may be used to reduce Maine taxable income only to the extent that those premiums have not already been deducted in arriving at federal adjusted gross income.
6. It permits access by the Department of Human Services to certain real estate transfer tax information to assist in the recovery of amounts owed the State under the Medicaid program. See also Public Law 2003, chapter 673, section DD-2 which contains the same change.
7. It expands the sales tax exemption for nonprofit residential care facilities to include nonprofit assisted living programs.
8. It updates the State's general conformity with changes in the United States Internal Revenue Code between May 28, 2003 and December 31, 2003, with the exception of provisions related to health savings accounts.

Taxation

PUBLIC 712

**An Act To Reduce the Cost of Local Government through
Increased State Education Funding and Provide Property Tax
Relief**

LD 1924

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS CUMMINGS	OTP-AM	S-545 S-550 BRENNAN

Public Law 2003, chapter 712 amends the school funding laws to refine the essential programs and services funding approach in preparation for its implementation beginning in fiscal year 2005-06. Specifically, the law accomplishes the following.

1. It provides that by fiscal year 2009-10 the State's share of kindergarten to grade 12 education funding, as described by essential programs and services, must be 55%, and it amends the existing state share percentage targets for fiscal year 2005-06 through fiscal year 2009-10 to provide for the so-called "ramp" necessary to achieve the 55% state share of school funding.
2. It establishes a formula for determination of the maximum local cost share expectation and requires the Commissioner of Education to notify each school administrative unit annually of its local cost share expectation for property tax years beginning on or after April 1, 2005. It also requires that this expectation must decline from 9.0 mills for fiscal year 2005-06 to 8.0 mills for fiscal year 2009-10.
3. It provides that, beginning in fiscal year 2005-06, the legislative body of a school administrative unit may adopt a property tax rate that exceeds its local cost share expectation in a vote separate from the vote taken to adopt the school budgets.
4. It requires that local cost sharing among member municipalities of a school administrative district or community school district be based on pupil count unless a different cost sharing formula has been established by private and special law prior to January 1, 2004.
5. It requires that the transportation operating costs component must be placed in the essential programs and services funding model beginning in fiscal year 2005-06 and must include adjustments to the calculation of these operating costs that reflect the transportation of special education students, vocational education students, and other factors that respond to unique cost drivers in some school administrative units. It also provides that, beginning in fiscal year 2005-06, an appeals process must be implemented; and further provides that this appeals process may include analyses of other factors beyond cost efficiency and a cost comparison with comparable units.
6. It requires that special education costs will be included in essential programs and services starting in fiscal year 2005-06; it establishes January 1, 2005 as the implementation date for the utilization of state-approved guidelines in the identification of children requiring special education services; and it provides that the Department of Education will provide training to school administrative units in the application of these guidelines beginning in fiscal year 2004-05.
7. It places early childhood education program costs and vocational education program costs into essential programs and services no later than fiscal year 2007-08.

Taxation

8. It establishes benchmarks and performance indicators for analysis of state and local cost share performance and the impact of the law on local property taxes. It provides for the establishment of the Municipal Budget Analysis Committee for the purpose of providing the Governor and the Legislature with an annual report that analyzes the effectiveness of increased state support for education in reducing the local property tax commitment required to fund the cost of the essential programs and services over the 2005-06 to 2009-10 period.
9. It provides for the delay, by one year to the 2007-2008 school year, of the requirements for school administrative units and certain private high schools to implement standards in the content areas of mathematics, English language arts, health and physical education, science and technology and social studies, including the requirement that high school graduation be determined by student achievement of the standards for these content areas. It also provides for the further delay, by one year to the 2007-2008 school year, of the requirements that school administrative units implement standards in the content areas of career preparation, foreign languages and visual and performing arts.

P & S 44 An Act To Establish Municipal Cost Components for Unorganized LD 1882
EMERGENCY Territory Services To Be Rendered in Fiscal Year 2004-2004-05

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-837
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Private and Special Law 2003, chapter 44 establishes municipal cost components for state and county services provided to the unorganized territory that would be paid for by a municipality. The municipal cost components constitute the property tax for the unorganized territory.

Private and Special 2003, chapter 44 was enacted as an emergency measure and took effect April 14, 2004.

CMR 1 RESOLUTION, Proposing a Competing Measure under the LD 1629
Constitution of Maine To Create Municipal Service Districts To
Reduce the Cost of Local Government, To Provide Property Tax
Relief and To Increase Economic Competitiveness

<u>Sponsor(s)</u> LEMOINE STANLEY	<u>Committee Report</u> OTP-AM A OTP-AM B OTP-AM C ONTP D	<u>Amendments Adopted</u> H-601 H-608 PERCY S-350 STANLEY S-351 GAGNON
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Competing Measure Resolution 2003, chapter 1 was adopted in the First Special Session. It set forth a competing measure, pursuant to Article IV, Part 3, Section 18 of the Constitution of Maine, to be placed on the ballot in November 2003 with Initiated Bill 3, An Act to Enact the School Finance Act of 2003. If approved by the voters, the resolution would accomplish the following.

Taxation

Competing Measure Resolution 2003, chapter 1 set forth a competing measure that would increase the State's share of the cost of funding public education from kindergarten to grade 12 under the essential programs and services funding model to 55% by fiscal year 2009-10. The resolution also established a formula for calculating a maximum local mill rate expectation that would not exceed 10 mills.

The resolution would restore the homestead property tax exemption to \$7,000 for all homesteads.

The resolution would increase benefits and eligibility under the Maine Residents Property Tax Program over 3 years by raising the income eligibility to \$50,000 for single member households and \$75,000 for multiple member households, increasing the maximum benefit to \$2,000 and increasing the portion of rebated taxes between 4% and 8% of income from 50% to 60%.

Neither Initiated Bill 3 nor Competing Measure Resolution 1 received sufficient votes in November 2003 to become law; however, under the terms of the Maine Constitution, Initiated Bill 3, receiving the highest number of votes, will be submitted to the voters again by itself in June 2004.

RESOLVE 104	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory	LD 1703
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<u>Sponsor(s)</u> STANLEY LEMOINE	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Resolve 2003, chapter 104 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate in the Unorganized Territory that were acquired for nonpayment of property taxes.

RESOLVE 108	Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the City of Auburn	LD 1807
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<u>Sponsor(s)</u> LEMOINE STANLEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-700
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Resolve 2003, chapter 108 authorizes the State Tax Assessor to convey the interest of the State in several parcels of real estate located in the City of Auburn acquired under the elderly property tax deferral program.

Taxation

RESOLVE 115 EMERGENCY	Resolve, Regarding Legislative Review of Chapter 31: Affordable Housing Development District - Recovery of Public Revenue, a Major Substantive Rule of the Maine State Housing Authority	LD 1850
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2003, chapter 115 authorizes the Maine State Housing Authority to adopt Chapter 31: Affordable Housing Development District - Recovery of Public Revenue, a major substantive rule.

Resolve 2003, chapter 115 was finally passed as an emergency measure and took effect March 24, 2004.

RESOLVE 123	Resolve, To Reduce the State Valuation for the Town of East Millinocket	LD 1895
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY DUPREY, G		S-439

Resolve 2003, chapter 123 authorizes the Town of East Millinocket to seek an adjustment of its state valuation for the year 2004 without meeting the August 1st filing deadline set forth in current law.

RESOLVE 124	Resolve, To Reduce the State Valuation for the Town of Lincoln	LD 1887
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART CARR		S-440

Resolve 2003, chapter 124 authorizes the Town of Lincoln to request a reduction in its 2005 state valuation based on a sudden and severe disruption of valuation, caused by the bankruptcy of Eastern Pulp and Paper Co., pursuant to the Maine Revised Statutes, Title 36, section 208-A.

Transportation

PUBLIC 544 **An Act To Amend the Laws Concerning Automobile Dealer** **LD 1677**
EMERGENCY **Registration Plates**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-382
ASH		

Public Law 2003, chapter 544 amends the minimum sales requirement of 12 vehicles in order to obtain a renewal of a dealer license by removing the restriction to retail sales only. The law also exempts dealers engaged primarily in the sale of classic vehicles, emergency vehicles or industrial or farm equipment from the minimum sales requirement.

Public Law 2003, chapter 544 was enacted as an emergency measure effective March 10, 2004.

PUBLIC 566 **An Act To Increase the Bond Limit of the Maine Turnpike** **LD 605**
 Authority

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH	OTP-AM	S-411
SAVAGE		

Public Law 2003, chapter 566 increases the Maine Turnpike Authority's revenue bonding capacity from \$291,000,000 to \$361,000,000.

PUBLIC 571 **An Act To Amend Transportation Laws** **LD 1654**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH	OTP-AM	S-406
USHER		

Public Law 2003, chapter 571 amends highway entrance laws by clarifying the intent of regulations affecting maintenance of existing posted speeds on arterial highways and grants the Department of Transportation more flexibility in locating driveways and entrances within breaks in control of access areas.

Transportation

PUBLIC 572 An Act To Allow Communications Towers on Land of the Maine Turnpike Authority LD 1676

<u>Sponsor(s)</u> HATCH PH	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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Public Law 2003, chapter 572 removes the requirement that any communications tower built or acquired on property of the Maine Turnpike Authority be used exclusively by the Maine Turnpike Authority.

PUBLIC 591 An Act To Simplify the Maine Turnpike Authority's Enforcement Procedures for Toll Violations LD 1705

<u>Sponsor(s)</u> HATCH PH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-763 MARLEY S-412
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Public Law 2003, chapter 591 amends the Maine Turnpike Authority's procedures for collecting fees and fines for failure to pay tolls and establishes an administrative appeal process within the Maine Turnpike Authority. It allows a toll evader to appeal a written notice of liability through the Maine Turnpike Authority's administrative procedures, after which a toll evader may choose to appeal the final decision of the Maine Turnpike Authority in Superior Court.

The law provides that a toll evader has a 30-day period either from the receipt of a notice of liability or, in the case of an appeal, from the final decision of the Maine Turnpike Authority on the appeal or from the final adjudication of liability in Superior Court in which to pay any applicable tolls, administrative fees and penalties. If the toll evader fails to pay all applicable tolls, administrative fees and penalties, the registration of the vehicle owner will be suspended.

The law also provides that an image that shows the face of a person may not be used by the Maine Turnpike Authority for the purpose of collecting tolls and fines for nonpayment of tolls.

PUBLIC 633 An Act To Amend the Motor Vehicle Laws LD 1694

<u>Sponsor(s)</u> HATCH PH USHER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-419
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Public Law 2003, chapter 633 amends the motor vehicle statutes as follows:

Transportation

1. It removes the requirement that state rules regarding the transportation of hazardous materials that adopt federal rules by reference must contain a brief description of the substance of the referenced federal rule;
2. It allows all law enforcement officers to enforce disability parking restrictions. It also creates a traffic infraction prohibiting a person from parking in a parking space that is clearly marked for use by a physically disabled person only if the person has not been issued a disability registration plate or placard or is not transporting a person who has been issued a disability registration plate or placard;
3. It allows an employee of the State Police designated as a motor vehicle inspector to immediately suspend or revoke a license issued to any official inspection station or an inspection mechanic for a violation of the laws or rules pertaining to motor vehicle inspections;
4. It clarifies that only ambulances, emergency medical service vehicles, fire department vehicles or hazardous response vehicles, and not personally owned vehicles, may be equipped with and display one blue light, that the light must face to the rear and that the light must be primarily visible to approaching traffic from the rear only;
5. It changes the requirements regarding school bus inspections so that each bus must be inspected twice per year at an inspection station, at times set by the State Police in consultation with the Department of Education, and once instead of twice per year by a State Police officer;
6. It adds a cross-reference that was inadvertently omitted regarding prior convictions to be considered for the aggravated punishment category for operating under the influence;
7. It allows the operator of an authorized emergency vehicle to activate emergency lights for the limited purpose of warning motorists when entering or exiting structures designed to house the emergency vehicles; and
8. It prohibits a person from possessing, operating, or allowing the operation of preemptive traffic light devices designed to change traffic lights from red to green or green to red, except for those used in certain authorized emergency vehicles, transit buses and highway maintenance vehicles.

PUBLIC 652 An Act To Amend the Motor Vehicle Laws
EMERGENCY

LD 1700

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH	OTP-AM	H-865 MARLEY
USHER		S-473

Public Law 2003, chapter 652 amends the motor vehicle statutes as follows:

Part A extends the period that dealers and financial institutions have to apply for titles from 20 to 30 days and reduces the late filing fee from \$125 to \$50. It also corrects a technical error in the funding of a position created in Public Law 2003, chapter 356 and moves the Other Special Revenue Funds allocation for the Maine

Transportation

Motor Vehicle Franchise Board from the Bureau of Administrative Services and Corporations to the Bureau of Motor Vehicle Administration account. This Part was enacted as an emergency measure effective April 22, 2004.

Part B does the following.

1. It creates a process for the Secretary of State to issue recognition license plates;
2. It allows the Secretary of State to issue special disability registration plates for veterans;
3. It allows dealers to carry a load on a vehicle or combination of vehicles while using their dealer plates if the load is in conjunction with the sale or purchase of a motor vehicle, trailer or equipment by the dealership. The load may consist of only one automobile, truck or truck tractor. The load may consist of multiple trailers or equipment that the dealer is licensed to sell. The dealer is allowed to purchase more than one permit, which may be renewed annually;
4. It clarifies that, in addition to rules, the State shall adopt administrative procedures, practices and policies, organizational structures, internal control mechanisms and resource assignments to ensure compliance with the federal Commercial Motor Vehicle Safety Act of 1986; and
5. It removes the requirement that a representative of the American Automobile Association serve on the Secretary of State's Technical Review Panel for driver education.

Part C allows the Secretary of State to cancel and not suspend the motor vehicle registration for stored vehicles for which insurance coverage is cancelled, terminated or lapsed effective January 1, 2005.

Unless otherwise noted above, this law takes effect July 30, 2004.

Public Law 2003, chapter 652 was enacted an emergency measure and took effect April 22, 2004, except for Part C which takes effect January 1, 2005.

PUBLIC 683 An Act To Honor Maine's First Peoples

LD 1732

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE F	OTP-AM	H-717
EDMONDS		H-744 MARLEY

Public Law 2003, chapter 683 establishes a process to issue a special motor vehicle registration plate for members of the Wabanaki Confederacy in Maine.

Transportation

PUBLIC 690 **An Act To Make Additional Allocations from the Highway Fund** **LD 1934**
EMERGENCY **and Other Funds for the Expenditures of State Government and To**
 Change Certain Provisions of State Law Necessary to the Proper
 Operations of State Government for the Fiscal Years Ending June
 30, 2004 and June 30, 2005

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH PH	OTP-AM	S-487
USHER		

Public Law 2003, chapter 690 does the following.

Part A makes allocations of funds.

Part B makes allocations of funds for approved reclassifications and range changes.

Part C does the following:

1. It requires the State Budget Officer to calculate the amount of expenditures in section 2 of that Part that applies against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and requires the State Budget Officer to transfer the amounts by financial order upon the approval of the Governor; and
2. It allocates funds for the recovery of unfunded actuarial liability costs paid by the General Fund.

Part D does the following:

1. It requires the State Budget Officer to calculate the amount of savings in section 2 of that Part that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and to transfer the amounts by financial order upon the approval of the Governor; and
2. It deallocates funds to reflect savings in health insurance rates.

Part E does the following:

1. It requires the State Budget Officer to calculate the amount of savings in section 2 of that Part that applies against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and to transfer the amounts by financial order upon the approval of the Governor; and
2. It deallocates funds to reflect savings in the cost of workers' compensation insurance.

Part F does the following:

Transportation

1. It specifies that \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04;

Transportation

2. It specifies that \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04; and
3. It specifies that \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

Part G requires the Commissioner of Transportation to submit a report on proposed strategies to address the State's transportation infrastructure deficit.

Part H authorizes the Commissioner of Transportation to transfer Personal Services savings in the Highway Fund within the Department of Transportation for fiscal year 2003-04 to other line categories and programs.

Part I authorizes the transfer of specified levels of unallocated surplus from the Highway Fund that may be available at the end of fiscal year 2003-04 to the Highway and Bridge Improvement program.

Part J allocates funds to restore funding for health insurance savings that were not realized for fiscal year 2004-05.

Public Law 2003, chapter 690 was enacted as an emergency measure effective May 6, 2004.

P & S 35 An Act To Make Allocations from Maine Turnpike Authority LD 1825
Funds for the Maine Turnpike Authority for the Calendar Year
Ending December 31, 2005

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP		

Private and Special Law 2003, chapter 35 makes allocations from gross revenues of the Maine Turnpike Authority for the payment of the authority's operating expenses for the calendar year ending December 31, 2005 in accordance with the requirements of the Maine Revised Statutes, Title 23, section 1961, subsection 6.

P & S 36 An Act To Amend the Maine Turnpike Authority's Budget for LD 1704
Calendar Year 2004

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
HATCH PH		OTP-AM		S-387

Private and Special Law 2003, chapter 36 allocates \$598,852 in additional funds to the Maine Turnpike Authority's budget for calendar year 2004 by allocating additional toll revenues to State Police operations. The allocation of additional funds addresses an unexpected increase in the cost of State Police operations on the Maine

Transportation

Turnpike. This unexpected increase in cost is partly due to a provision in Public Law 2003, chapter 40, Part C, section 1, which requires an increase in the overhead rate paid by the authority to the State Police for

Transportation

overhead services. The increase is also partly due to the result of an arbitration between the State of Maine and the Maine State Employees Association that will result in a retroactive payment of salaries and benefits to State Police personnel.

P & S 43 An Act To Preserve Transportation Projects Statewide by Using LD 1922
Federal GARVEE Financing for the Waldo-Hancock Bridge
Replacement

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON ROSEN	OTP-AM	S-478

Private and Special Law 2003, chapter 43 authorizes the use of federal Grant Anticipation Revenue Vehicles, or GARVEE, financing in the amount of up to \$50,000,000 to fund projects associated with the Waldo-Hancock Bridge replacement. The GARVEE bonds will be issued by the Maine Municipal Bond Bank and will be repaid solely from future federal transportation funding apportioned to the State from the Federal Highway Administration and any matching funds of the State. The GARVEE bonds do not constitute a debt or liability of the State or a pledge of its full faith and credit.

RESOLVE 138 Resolve, Regarding Legislative Review of Portions of Chapter 299: LD 1943
EMERGENCY Highway Driveway and Entrance Rules, a Major Substantive Rule
of the Department of Transportation

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP	

Resolve 2003, chapter 138 authorizes the final adoption of Portions of Chapter 299: Highway Driveway and Entrance Rules, a major substantive rule of the Department of Transportation.

Resolve 2003, chapter 138 was finally passed as an emergency measure effective April 22, 2004.

**PUBLIC 526
EMERGENCY**

An Act To Streamline the Time-share Rate Collection Process

LD 1659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS	OTP-AM MAJ	H-669
MAYO	ONTP MIN	

Public Law 2003, chapter 526:

1. Allows utilities to require the managing entity of time-share estates to collect and pay a unified utility bill. The procedures mirror those currently in law for collection of municipal taxes; and
2. Allows utilities and managing entities to make other mutually acceptable arrangements and preserves the authority utilities may have under other law to collect and recover assessments.

Public Law 2003, chapter 526 was enacted as an emergency measure and took effect on March 3, 2004.

PUBLIC 529

**An Act To Improve the Ability of Water Utilities To Maintain a
Contingency Allowance**

LD 1750

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	H-676
HALL		

Public Law 2003, chapter 529 eliminates the requirement that consumer-owned water utilities establish a separate fund to collect contingency allowance collections. It permits a contingency allowance of up to 10% of revenues for small utilities with total annual revenues of no more than \$85,000 (it preserves the current 5% limit for larger utilities). It specifies that amounts collected through the allowance may be spent only for purposes for which other revenues may lawfully be spent and clarifies that all such expenditures are subject to Public Utilities Commission review. It preserves a provision of existing law that if a utility collects amounts that the Public Utilities Commission determines to be inconsistent with just and reasonable rates, the commission may require rate reductions or credits. It preserves the current law's requirement that if a utility over-collects under its allowance for 3 consecutive years, it must notify its ratepayers and hold a public hearing. It provides that such notice to ratepayers must be provided no later than July 1st of the calendar year following the 3rd consecutive year of over-collection. It also removes or changes, as appropriate, references to the contingency fund in other sections of law.

PUBLIC 530

An Act To Create Consistency between State and Federal Telephone Consumer Protection Laws

LD 1751

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP	

Public Law 2003, chapter 530 amends the so-called “slamming law” that protects consumers from the unauthorized initiation (change) of service by a local or intrastate interexchange carrier. It corrects a cross reference to telemarketing laws that were reallocated by Public Law 2001, chapter 324 to a new subchapter in Title 32; clarifies that electronic authorization of service initiation is allowed (Title 10 section 9407 allows this -- it is also consistent with federal “slamming” rules); requires carriers to retain records for 24 months rather than 12 months, consistent with recent changes to federal rules; removes a requirement that an interexchange carrier who slams a customer transfer that customer back to the customer’s original carrier (this function is in fact carried out by the original carrier or through the PUC); and removes reference to a federal rule repealed in 1999.

PUBLIC 553

**An Act To Implement the Recommendations of the Study Group To LD 1819
Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ OTP-AM MIN	S-396

Public Law 2003, chapter 553 is based on certain legislative recommendations of the Study Group to Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals.

Public Law 2003, chapter 553 amends the law relating to the Telecommunications Equipment Fund administered by the Department of Labor, Bureau of Rehabilitation Services, Division of Deafness. It expands the use of the fund to include equipment used to provide or facilitate notice of emergencies to deaf and hard-of-hearing persons and for training related to such equipment. It also changes the name of the fund to the Communications Equipment Fund to reflect this expansion. It transfers the funding source for the Communications Equipment Fund from an assessment on telecommunications service providers made by the Department of Labor, Bureau of Rehabilitation Services to the universal service fund administered by the Public Utilities Commission (which is also funded by an assessment on telecommunications service providers). It preserves the current \$85,000 annual total collections from telecommunications service providers to support the Communications Equipment Fund but permits the commission to transfer amounts that may otherwise be available in the universal service fund to the Communications Equipment Fund, up to a total of \$122,500 in any year, if the Communications Equipment Fund fails to receive adequate funding from federal or other sources to carry out its purposes.

Public Law 2003, chapter 553 requires the Department of Labor, Bureau of Rehabilitation Services to apply for grants of federal homeland security funds administered by the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency to support the purposes of the Communications

Equipment Fund. It requires the Maine Emergency Management Agency to provide a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 1, 2005 detailing the amount of homeland security funding that has been provided to support the purposes of the Communications Equipment Fund and access to emergency alert and news services for persons with disabilities, including persons who are blind.

Public Law 2003, chapter 553 repeals an obsolete provision relating to the provision of up to 50% of the cost of specialized customer telecommunications equipment under certain circumstances to an organization or municipality.

Finally, it establishes as the policy of the State the encouragement of a communications system that involves seamless, integrated, robust and redundant means of communication that enable rapid contact with first responders, ensure emergency alert notification to all affected persons in the State, including at-risk populations such as the hearing or visually impaired, and enhance homeland security.

PUBLIC 555 An Act To Facilitate the Development of Cost-effective Distributed LD 671
Electricity Generation in the State

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ ONTP MIN	S-399

Public Law 2003, chapter 555 requires standard-offer service providers that serve areas of this State within the New England independent system operator control area to purchase the output of generators with a capacity of 5 megawatts or less at a price that is financially neutral to the standard-offer service providers. The commission is directed to require standard-offer service providers that serve the northern region of the State to purchase the output of such generators if it finds that the market design in that region will accommodate such purchases.

PUBLIC 558 An Act To Amend the Laws Relating To Requirements for LD 1741
Competitive Electricity Providers

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS HALL	OTP-AM	H-718

Public Law 2003, chapter 558 replaces the requirement that a competitive electricity provider annually provide information disclosures to all consumers with a requirement that the provider annually provide the information to all residential and small commercial consumers. It also replaces the special statutory limitations on telemarketing by competitive electricity providers, which require the Public Utilities Commission to maintain a "do-not-call list," with a reference to the general federal and state "do-not-call" telemarketing limitations (this provision was drawn from LD 1740 to avoid a technical conflict).

PUBLIC 606 An Act To Create the Position of Director of Energy Programs at LD 1730
the Public Utilities Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM MAJ	H-761
HALL	ONTP MIN	

Public Law 2003, chapter 606 creates 3 positions within the Public Utilities Commission. The new positions, a director, an analyst and a secretary, are created to oversee and carry out activities related to energy efficiency activities. Funds for these positions are allocated from the Conservation Administration Fund.

PUBLIC 610 An Act To Enhance Pine Tree Development Zones LD 1692

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL	OTP-AM MAJ	H-831 RINES
BLISS	OTP-AM MIN	S-446

Public Law 2003, chapter 610 changes the procedures relating to the designation and amendment of Pine Tree Development Zones and associated development plans by local units of government to provide that municipal officers may act on behalf of each local unit of government and that a local unit of government may arrange with a public or private organization to administer the local Pine Tree Development Zone activities and to act as the lead administrative entity.

It also adds provisions that authorize transmission and distribution utilities to offer discounted rates to qualified Pine Tree Development Zone businesses; authorize the Public Utilities Commission to take into account the overall benefits to ratepayers resulting from state efforts to promote economic development within Pine Tree Development Zones when approving discount rates, line extension terms and conditions or special conservation program benefits for qualified Pine Tree Development Zone businesses; and exempt sales of electricity to qualified Pine Tree Development Zone businesses from certain renewable portfolio requirements. These provisions are repealed on December 31, 2009.

PUBLIC 647 An Act Concerning Advertising of Business Names in Telephone LD 1711
Directories

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY	ONTP MAJ	H-737 CRESSEY
CLOUGH	OTP-AM MIN	H-827 BLISS
		S-398

Public Law 2003, chapter 647 prohibits businesses offering consumer goods for sale in this State (except a foreign corporation with gross annual revenues over \$100 million) from advertising or causing to be listed in a

telephone directory a business name that is intentionally designed to misrepresent where the business is located or operating or falsely identifies the business as being located or operating in the area covered by the telephone directory. Each day that the number listed is not disabled constitutes a separate offense.

PUBLIC 665

**An Act To Promote Economic Development in the State by
Encouraging the Production of Electricity from Renewable and
Indigenous Resources**

LD 1929

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUNDEEN KNEELAND	OTP-AM	H-886

Public Law 2003, chapter 665 accomplishes the following.

1. It directs the Public Utilities Commission to inform consumers in this State of the benefits of electricity generated in this State using renewable resources and authorizes the commission to create a brand or logo to identify such resources.
2. It directs the Public Utilities Commission to adopt major substantive rules establishing standards and procedures for incorporating renewable resources that are constructed after March 1, 2004 into standard-offer service. The rules must be submitted for legislative review by March 1, 2005.
3. It establishes legislative findings with regard to wind energy production in this State.
4. It directs the Public Utilities Commission to monitor markets and sale opportunities accessible to wind power installations in this State to determine whether such markets and opportunities are available for the sale of wind energy and authorizes the commission, in consultation with the Attorney General, to initiate regulatory and other legal action to protect access to markets by wind power facilities located in Maine.
5. It directs the Public Utilities Commission to conduct a study of the viable potential for wind power facilities in the State and to review what qualifies as renewable resources under Title 35-A, section 3210 to determine whether changes may be appropriate and to issue a report of its findings and recommendations by March 15, 2005.

PUBLIC 678

**An Act Relating to the Establishment of a Central Maine Regional
Public Safety Communication Center**

LD 1683

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT MOODY	OTP-AM	S-454

Public Law 2003, chapter 678 establishes the Maine Communications System Policy Board within the Department of Public Safety. The purpose of the board is to establish policies, procedures and standards for the

cooperative use of the department's communication systems by municipal, county and state governmental entities. The board is also directed to develop an implementation plan for the voluntary consolidation of the various governmental communication systems in Kennebec County with the department's communication systems and for the design of an appropriate communications unit within the department. The board is composed of representatives of the state and of local governments and emergency service providers who participate in the cooperative use of the department's communication systems, as well as representatives of employees, users of the system and the public. Public Law 2003, chapter 678 also directs the Commissioner of Public Safety, within existing resources, to appoint a department employee to supervise the department's communications systems and to carry out policy and procedures established by the board pending establishment of a communications unit within the department. Upon establishment of a communications unit in the department, the commissioner is directed, to the extent resources are available and with the approval of the board, to appoint a director to administer the unit, plan, direct and supervise the day-to-day operations of the unit and carry out the policies and procedures of the board. The director may be dismissed by the commissioner for cause with the approval of the board.

P & S 39 An Act Concerning the Charter of the Dover and Foxcroft Water LD 1672
EMERGENCY District

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANNIS	OTP-AM	H-734

Private and Special Law 2003, chapter 39:

1. Generally makes the charter of the Dover and Foxcroft Water District conform with the standard water district model charter;
2. Preserves the following provisions of the current charter: provisions granting the district the franchise, property and rights of the Dover and Foxcroft Village Fire Company, which became the water district in 1903; provisions granting the district rights to sell for manufacturing purposes power on its dam at Pratt's rips; provisions granting the district rights to take water from Garland Pond and to regulate the dam on it; and provisions relating to the district's authorization to refinance some debt through the Maine Municipal Bond Bank;
3. Changes some provisions of the existing charter: removes the authority to create a pond by damming Meadow Brook; increases the number of trustees from 3 to 5; expands the territory of the district within the town to include the existing service territory, to accommodate a possible mill expansion, and to include an area for a proposed standpipe; and sets the district's debt limit at \$1,500,000 and allows the district to hold a referendum if it wishes to establish a higher debt limit; and
4. Authorizes the district to take water from Salmon Stream Pond. Since 1926, the district has been using water from that pond as its water source.

Private and Special Law 2003, chapter 39 is not subject to referendum approval, was enacted as an emergency measure, and took effect March 24, 2004.

**P & S 40
EMERGENCY**

An Act To Amend the Charter of the South Berwick Water District LD 1874

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT	OTP	

Private and Special Law 2003, chapter 40 amends the charter of the South Berwick Water District by increasing the current debt limit of the district from \$4,000,000 to \$5,200,000. The change is not subject to referendum approval. Public and Special Law 2003, chapter 40 was enacted as an emergency and took effect April 6, 2004.

**P & S 47
EMERGENCY**

An Act To Create the Starboard Water District

LD 1935

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	OTP-AM MAJ	S-484
BUNKER	ONTP MIN	

Private and Special Law 2003, chapter 47 creates the Starboard Standard Water District, subject to local referendum approval.

Private and Special Law 2003, chapter 47 was enacted as an emergency measure and took effect April 22, 2004.

RESOLVE 119

**Resolve, To Direct the Public Utilities Commission To Examine
Certain Issues Relating to Energy Efficiency**

LD 1261

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	OTP-AM MAJ	S-424
BLISS	OTP-AM MIN	

Resolve 2003, chapter 119 directs the Public Utilities Commission to undertake an examination of the feasibility and possible design of a program that would provide incentives for residential and commercial consumers to purchase and install energy-efficient appliances or that would establish energy efficiency standards. The commission is directed to submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by January 30, 2005.

RESOLVE 127 Resolve, Regarding Legislative Review of Portions of Chapter 895: LD 1846
EMERGENCY Underground Facility Damage Prevention Requirements, a Major
Substantive Rule of the Public Utilities Commission

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-776

Resolve 2003, chapter 127 authorizes final adoption of portions of Chapter 895: Underground Facility Damage Prevention Requirements, a provisionally adopted major substantive rule of the Public Utilities Commission, provided certain changes are made. The required changes will:

1. Clarify language regarding the facilities about which members of the Dig Safe System are required to provide location information to the Dig Safe System for mapping purposes, remove a requirement that members of the Dig Safe System provide such information in a particular format, and add a requirement that the information locate facilities with a certain degree of accuracy;
2. Add a provision specifying that telephone utilities are not required to provide to the Dig Safe System for mapping purposes the location of service drops from a main line to customer premises;
3. Add a provision requiring the Public Utilities Commission to grant a waiver from the mapping requirements for any water utility transmission mains that are downstream of a treatment plant or underground water source and permitting the Public Utilities Commission to require the utility to provide an alternative method of facility location specification;
4. Add a provision specifying that the mapping requirements do not take effect until May 1, 2005; and
5. Modify language governing the handling of facility information in the possession of the Dig Safe System to ensure the security of that information.

Resolve 2003, chapter 127 was enacted as an emergency measure and took effect April 9, 2004.

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